

114TH CONGRESS  
2D SESSION

# H. R. 6416

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## AN ACT

To amend title 38, United States Code, to make certain improvements in the 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Jeff Miller and Richard Blumenthal Veterans Health  
 4 Care and Benefits Improvement Act of 2016”.

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

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

TITLE I—DISABILITY COMPENSATION MATTERS

- Sec. 101. Expedited payment of survivors’ benefits.
- Sec. 102. Board of Veterans’ Appeals video hearings.
- Sec. 103. Requirement that Secretary of Veterans Affairs publish the average time required to adjudicate early-filed and later-filed appeals.
- Sec. 104. Comptroller General review of claims processing performance of regional offices of Veterans Benefits Administration.
- Sec. 105. Report on staffing levels at regional offices of Department of Veterans Affairs under National Work Queue.
- Sec. 106. Inclusion in annual budget submission of information on capacity of Veterans Benefits Administration to process benefits claims.
- Sec. 107. Report on plans of Secretary of Veterans Affairs to reduce inventory of non-rating workload; sense of Congress regarding Monday Morning Workload Report.
- Sec. 108. Annual report on progress in implementing Veterans Benefits Management System.
- Sec. 109. Improvements to authority for performance of medical disabilities examinations by contract physicians.
- Sec. 110. Independent review of process by which Department of Veterans Affairs assesses impairments that result from traumatic brain injury for purposes of awarding disability compensation.
- Sec. 111. Reports on claims for disability compensation.
- Sec. 112. Sense of Congress regarding American veterans disabled for life.
- Sec. 113. Sense of Congress on submittal of information relating to claims for disabilities incurred or aggravated by military sexual trauma.

TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 201. Extension of temporary increase in number of judges on United States Court of Appeals for Veterans Claims.
- Sec. 202. Life insurance program relating to judges of United States Court of Appeals for Veterans Claims.
- Sec. 203. Voluntary contributions to enlarge survivors’ annuity.
- Sec. 204. Selection of chief judge of United States Court of Appeals for Veterans Claims.

TITLE III—BURIAL BENEFITS AND OTHER MATTERS

- Sec. 301. Expansion of eligibility for headstones, markers, and medallions.

- Sec. 302. Expansion of Presidential Memorial Certificate program.
- Sec. 303. Department of Veterans Affairs study on matters relating to burial of unclaimed remains of veterans in national cemeteries.
- Sec. 304. Study on provision of interments in veterans' cemeteries during weekends.
- Sec. 305. Honoring as veterans certain persons who performed service in the reserve components of the Armed Forces.

#### TITLE IV—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION

- Sec. 401. Clarification of eligibility for Marine Gunnery Sergeant John David Fry Scholarship.
- Sec. 402. Approval of courses of education and training for purposes of the vocational rehabilitation program of the Department of Veterans Affairs.
- Sec. 403. Authority to prioritize vocational rehabilitation services based on need.
- Sec. 404. Reports on progress of students receiving Post-9/11 Educational Assistance.
- Sec. 405. Recodification and improvement of election process for Post-9/11 Educational Assistance Program.
- Sec. 406. Work-study allowance.
- Sec. 407. Centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions.
- Sec. 408. Role of State approving agencies.
- Sec. 409. Modification of requirements for approval for purposes of educational assistance provided by Department of Veterans Affairs of programs designed to prepare individuals for licensure or certification.
- Sec. 410. Criteria used to approve courses.
- Sec. 411. Compliance surveys.
- Sec. 412. Modification of reductions in reporting fee multipliers for payments by Secretary of Veterans Affairs to educational institutions.
- Sec. 413. Composition of Veterans' Advisory Committee on Education.
- Sec. 414. Survey of individuals using their entitlement to educational assistance under the educational assistance programs administered by the Secretary of Veterans Affairs.
- Sec. 415. Department of Veterans Affairs provision of information on articulation agreements between institutions of higher learning.
- Sec. 416. Retention of entitlement to educational assistance during certain additional periods of active duty.
- Sec. 417. Technical amendment relating to in-state tuition rate for individuals to whom entitlement is transferred under all-volunteer force educational assistance program and post-9/11 educational assistance.
- Sec. 418. Study on the effectiveness of veterans transition efforts.

#### TITLE V—SMALL BUSINESS AND EMPLOYMENT MATTERS

- Sec. 501. Modification of treatment under contracting goals and preferences of Department of Veterans Affairs.
- Sec. 502. Longitudinal study of job counseling, training, and placement service for veterans.
- Sec. 503. Limitation on administrative leave for employees of Department of Veterans Affairs.

- Sec. 504. Required coordination between Directors for Veterans' Employment and Training with State departments of labor and veterans affairs.

## TITLE VI—HEALTH CARE MATTERS

### Subtitle A—Medical Care

- Sec. 601. Requirement for advance appropriations for the Medical Community Care account of the Department of Veterans Affairs.
- Sec. 602. Improved access to appropriate immunizations for veterans.
- Sec. 603. Priority of medal of honor recipients in health care system of Department of Veterans Affairs.
- Sec. 604. Requirement that Department of Veterans Affairs collect health-plan contract information from veterans.
- Sec. 605. Mental health treatment for veterans who served in classified missions.
- Sec. 606. Examination and treatment by Department of Veterans Affairs for emergency medical conditions and women in labor.

### Subtitle B—Veterans Health Administration

- Sec. 611. Time period covered by annual report on Readjustment Counseling Service.
- Sec. 612. Annual report on Veterans Health Administration and furnishing of hospital care, medical services, and nursing home care.
- Sec. 613. Expansion of qualifications for licensed mental health counselors of the Department of Veterans Affairs to include doctoral degrees.
- Sec. 614. Modification of hours of employment for physicians employed by the Department of Veterans Affairs.
- Sec. 615. Repeal of compensation panels to determine market pay for physicians and dentists.
- Sec. 616. Clarification regarding liability for breach of agreement under Department of Veterans Affairs Employee Incentive Scholarship Program.
- Sec. 617. Extension of period for increase in graduate medical education residency positions at medical facilities of the Department of Veterans Affairs.
- Sec. 618. Report on public access to research by Department of Veterans Affairs.
- Sec. 619. Authorization of certain major medical facility projects of the Department of Veterans Affairs.

### Subtitle C—Toxic Exposure

- Sec. 631. Definitions.
- Sec. 632. National Academy of Medicine assessment on research relating to the descendants of individuals with toxic exposure.
- Sec. 633. Advisory board on research relating to health conditions of descendants of veterans with toxic exposure while serving in the Armed Forces.
- Sec. 634. Research relating to health conditions of descendants of veterans with toxic exposure while serving in the Armed Forces.

## TITLE VII—HOMELESSNESS MATTERS

Subtitle A—Access of Homeless Veterans to Benefits

- Sec. 701. Expansion of definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs.
- Sec. 702. Authorization to furnish certain benefits to homeless veterans with discharges or releases under other than honorable conditions.
- Sec. 703. Waiver of minimum period of continuous active duty in Armed Forces for certain benefits for homeless veterans.
- Sec. 704. Training of personnel of the Department of Veterans Affairs and grant recipients.
- Sec. 705. Regulations.
- Sec. 706. Effective date.

Subtitle B—Other Homelessness Matters

- Sec. 711. Increased per diem payments for transitional housing assistance that becomes permanent housing for homeless veterans.
- Sec. 712. Program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless.
- Sec. 713. Establishment of National Center on Homelessness Among Veterans.
- Sec. 714. Requirement for Department of Veterans Affairs to assess comprehensive service programs for homeless veterans.
- Sec. 715. Report on outreach relating to increasing the amount of housing available to veterans.

TITLE VIII—OTHER MATTERS

- Sec. 801. Department of Veterans Affairs construction reforms.
- Sec. 802. Technical and clerical amendments.

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—DISABILITY**  
8                   **COMPENSATION MATTERS**

9 **SEC. 101. EXPEDITED PAYMENT OF SURVIVORS' BENEFITS.**

10       (a) IN GENERAL.—Section 5101(a)(1) is amended—

1           (1) by striking “A specific” and inserting “(A)  
2       Except as provided in subparagraph (B), a specific”;  
3       and

4           (2) by adding at the end the following new sub-  
5       paragraph:

6       “(B)(i) The Secretary may pay benefits under chap-  
7       ters 13 and 15 and sections 2302, 2307, and 5121 of this  
8       title to a survivor of a veteran who has not filed a formal  
9       claim if the Secretary determines that the record contains  
10      sufficient evidence to establish the entitlement of the sur-  
11      vivor to such benefits.

12      “(ii) For purposes of this subparagraph and section  
13      5110 of this title, the earlier of the following dates shall  
14      be treated as the date of the receipt of the survivor’s appli-  
15      cation for benefits described in clause (i):

16           “(I) The date on which the survivor of a vet-  
17      eran (or the representative of such a survivor) noti-  
18      fies the Secretary of the death of the veteran  
19      through a death certificate or other relevant evidence  
20      that establishes entitlement to survivors’ benefits  
21      identified in clause (i).

22           “(II) The head of any other department or  
23      agency of the Federal Government notifies the Sec-  
24      retary of the death of the veteran.

1       “(iii) In notifying the Secretary of the death of a vet-  
2 eran as described in clause (ii)(I), the survivor (or the rep-  
3 resentative of such a survivor) may submit to the Sec-  
4 retary additional documents relating to such death without  
5 being required to file a formal claim.”.

6       (b) REPORT.—

7           (1) IN GENERAL.—Not later than 1 year after  
8 the date of the enactment of this Act, the Secretary  
9 of Veterans Affairs shall submit to the Committee  
10 on Veterans’ Affairs of the Senate and the Com-  
11 mittee on Veterans’ Affairs of the House of Rep-  
12 resentatives a report on benefits paid pursuant to  
13 covered claims.

14           (2) CONTENTS.—The report under paragraph  
15 (1) shall include the following:

16           (A) The number of covered claims adju-  
17 dicated during the 1-year period preceding the  
18 date of the report, disaggregated by the fol-  
19 lowing:

20           (i) Claims in which the claimant was  
21 entitled to benefits under chapters 13 or  
22 15 or sections 2302, 2307, or 5121 of title  
23 38, United States Code, on the basis of the  
24 claimant’s status as the spouse of a de-  
25 ceased veteran.

1           (ii) Claims in which the claimant was  
2           entitled to such benefits on the basis of the  
3           claimant's status as the child of a deceased  
4           veteran.

5           (iii) Claims in which the claimant was  
6           entitled to such benefits on the basis of the  
7           claimant's status as the parent of a de-  
8           ceased veteran.

9           (B) The number of covered claims during  
10          such period for which such benefits were not  
11          awarded, disaggregated by clauses (i) through  
12          (iii) of subparagraph (A).

13          (C) A comparison of the accuracy and  
14          timeliness of covered claims adjudicated during  
15          such period with noncovered claims filed by sur-  
16          vivors of a veteran.

17          (D) The findings of the Secretary with re-  
18          spect to adjudicating covered claims.

19          (E) Such recommendations as the Sec-  
20          retary may have for legislative or administrative  
21          action to improve the adjudication of claims  
22          submitted to the Secretary for benefits under  
23          chapters 13 and 15 and sections 2302, 2307,  
24          and 5121 of title 38, United States Code.



1           (3) COVERED CLAIM DEFINED.—In this sub-  
2           section, the term “covered claim” means a claim  
3           covered by section 5101(a)(1)(B) of title 38, United  
4           States Code, as added by subsection (a).

5           (c) EFFECTIVE DATE.—The amendments made by  
6           subsection (a) shall apply with respect to claims for bene-  
7           fits based on a death occurring on or after the date of  
8           the enactment of this Act.

9           **SEC. 102. BOARD OF VETERANS’ APPEALS VIDEO HEAR-**  
10           **INGS.**

11           Section 7107 is amended—

12           (1) in subsection (d), by amending paragraph  
13           (1) to read as follows:

14           “(1)(A)(i) Upon request for a hearing, the Board  
15           shall determine, for purposes of scheduling the hearing for  
16           the earliest possible date, whether a hearing before the  
17           Board will be held at its principal location or at a facility  
18           of the Department or other appropriate Federal facility  
19           located within the area served by a regional office of the  
20           Department.

21           “(ii) The Board shall also determine whether to pro-  
22           vide a hearing through the use of the facilities and equip-  
23           ment described in subsection (e)(1) or by the appellant  
24           personally appearing before a Board member or panel.

1 “(B)(i) The Board shall notify the appellant of the  
2 determinations of the location and type of hearing made  
3 under subparagraph (A).

4 “(ii) Upon notification, the appellant may request a  
5 different location or type of hearing as described in such  
6 subparagraph.

7 “(iii) If so requested, the Board shall grant such re-  
8 quest and ensure that the hearing is scheduled at the ear-  
9 liest possible date without any undue delay or other preju-  
10 dice to the appellant.”; and

11 (2) in subsection (e), by amending paragraph  
12 (2) to read as follows:

13 “(2) Any hearing provided through the use of the fa-  
14 cilities and equipment described in paragraph (1) shall be  
15 conducted in the same manner as, and shall be considered  
16 the equivalent of, a personal hearing.”.

17 **SEC. 103. REQUIREMENT THAT SECRETARY OF VETERANS**  
18 **AFFAIRS PUBLISH THE AVERAGE TIME RE-**  
19 **QUIRED TO ADJUDICATE EARLY-FILED AND**  
20 **LATER-FILED APPEALS.**

21 (a) PUBLICATION REQUIREMENT.—

22 (1) IN GENERAL.—On an ongoing basis, the  
23 Secretary of Veterans Affairs shall make available to  
24 the public the following:

1 (A) The average length of time to adju-  
2 dicate an early-filed appeal.

3 (B) The average length of time to adju-  
4 dicate a later-filed appeal.

5 (2) EFFECTIVE DATE.—Paragraph (1) shall  
6 take effect on the date that is 1 year after the date  
7 of the enactment of this Act and shall apply until  
8 the date that is 3 years after the date of the enact-  
9 ment of this Act.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 39 months  
12 after the date of the enactment of this Act, the Sec-  
13 retary shall submit to the Committee on Veterans'  
14 Affairs of the Senate and the Committee on Vet-  
15 erans' Affairs of the House of Representatives a re-  
16 port on whether publication pursuant to subsection  
17 (a)(1) has had an effect on the number of early-filed  
18 appeals filed.

19 (2) CONTENTS.—The report required by para-  
20 graph (1) shall include the following:

21 (A) The number of appeals and early-filed  
22 appeals that were filed during the 1-year period  
23 ending on the effective date specified in sub-  
24 section (a)(2).

1           (B) The number of appeals and early-filed  
2           appeals that were filed during the 1-year period  
3           ending on the date that is 2 years after the ef-  
4           fective date specified in subsection (a)(2).

5           (c) DEFINITIONS.—In this section:

6           (1) APPEAL.—The term “appeal” means a no-  
7           tice of disagreement filed pursuant to section  
8           7105(a) of title 38, United States Code, in response  
9           to notice of the result of an initial review or deter-  
10          mination regarding a claim for a benefit under a law  
11          administered by the Secretary of Veterans Affairs.

12          (2) EARLY-FILED.—The term “early-filed” with  
13          respect to an appeal means that the notice of dis-  
14          agreement was filed not more than 180 days after  
15          the date of mailing of the notice of the result of the  
16          initial review or determination described in para-  
17          graph (1).

18          (3) LATER-FILED.—The term “later-filed” with  
19          respect to an appeal means the notice of disagree-  
20          ment was filed more than 180 days after the date  
21          of mailing of the notice of the result of the initial  
22          review or determination described in paragraph (1).

1 **SEC. 104. COMPTROLLER GENERAL REVIEW OF CLAIMS**  
2 **PROCESSING PERFORMANCE OF REGIONAL**  
3 **OFFICES OF VETERANS BENEFITS ADMINIS-**  
4 **TRATION.**

5 (a) REVIEW REQUIRED.—Not later than 15 months  
6 after the effective date specified in subsection (e), the  
7 Comptroller General of the United States shall complete  
8 a review of the regional offices of the Veterans Benefits  
9 Administration to help the Veterans Benefits Administra-  
10 tion achieve more consistent performance in the processing  
11 of claims for disability compensation.

12 (b) ELEMENTS.—The review required by subsection  
13 (a) shall include the following:

14 (1) An identification of the following:

15 (A) The factors, including management  
16 practices, that distinguish higher performing re-  
17 gional offices from other regional offices with  
18 respect to claims for disability compensation.

19 (B) The best practices employed by higher  
20 performing regional offices that distinguish the  
21 performance of such offices from other regional  
22 offices.

23 (C) Such other management practices or  
24 tools as the Comptroller General determines  
25 could be used to improve the performance of re-  
26 gional offices.

1           (2) An assessment of the effectiveness of com-  
2           munication with respect to the processing of claims  
3           for disability compensation between the regional of-  
4           fices and veterans service organizations and case-  
5           workers employed by Members of Congress.

6           (c) REPORT.—Not later than 15 months after the ef-  
7           fective date specified in subsection (e), the Comptroller  
8           General shall submit to the Committee on Veterans’ Af-  
9           fairs of the Senate and the Committee on Veterans’ Af-  
10          fairs of the House of Representatives a report on the re-  
11          sults of the review completed under subsection (a).

12          (d) VETERANS SERVICE ORGANIZATION DEFINED.—  
13          In this section, the term “veterans service organization”  
14          means any organization recognized by the Secretary for  
15          the representation of veterans under section 5902 of title  
16          38, United States Code.

17          (e) EFFECTIVE DATE.—This section shall take effect  
18          on the date that is 270 days after the date of the enact-  
19          ment of this Act.

20   **SEC. 105. REPORT ON STAFFING LEVELS AT REGIONAL OF-**  
21                           **FICES OF DEPARTMENT OF VETERANS AF-**  
22                           **FAIRS UNDER NATIONAL WORK QUEUE.**

23          Not later than 15 months after the date of the enact-  
24          ment of this Act, the Secretary of Veterans Affairs shall  
25          submit to the Committee on Veterans’ Affairs of the Sen-

1 ate and the Committee on Veterans' Affairs of the House  
2 of Representatives a report on the criteria and procedures  
3 that the Secretary will use to determine appropriate staff-  
4 ing levels at the regional offices of the Department under  
5 the National Work Queue for the distribution of the claims  
6 processing workload.

7 **SEC. 106. INCLUSION IN ANNUAL BUDGET SUBMISSION OF**  
8 **INFORMATION ON CAPACITY OF VETERANS**  
9 **BENEFITS ADMINISTRATION TO PROCESS**  
10 **BENEFITS CLAIMS.**

11 (a) IN GENERAL.—Along with the supporting infor-  
12 mation included in the budget submitted to Congress by  
13 the President pursuant to section 1105(a) of title 31,  
14 United States Code, the President shall include informa-  
15 tion on the capacity of the Veterans Benefits Administra-  
16 tion to process claims for benefits under the laws adminis-  
17 tered by the Secretary of Veterans Affairs, including infor-  
18 mation described in subsection (b), during the fiscal year  
19 covered by the budget with which the information is sub-  
20 mitted.

21 (b) INFORMATION DESCRIBED.—The information de-  
22 scribed in this subsection is the following:

23 (1) An estimate of the average number of  
24 claims for benefits under the laws administered by  
25 the Secretary, excluding such claims completed dur-

1 ing mandatory overtime, that a single full-time  
2 equivalent employee of the Administration should be  
3 able to process in a year, based on the following:

4 (A) A time and motion study that the Sec-  
5 retary shall conduct on the processing of such  
6 claims.

7 (B) Such other information relating to  
8 such claims as the Secretary considers appro-  
9 priate.

10 (2) A description of the actions the Secretary  
11 will take to improve the processing of such claims.

12 (3) An assessment of the actions identified by  
13 the Secretary under paragraph (2) in the previous  
14 year and an identification of the effects of those ac-  
15 tions.

16 (c) EFFECTIVE DATE.—This section shall apply with  
17 respect to any budget submitted as described in subsection

18 (a) with respect to any fiscal year after fiscal year 2018.

19 **SEC. 107. REPORT ON PLANS OF SECRETARY OF VETERANS**  
20 **AFFAIRS TO REDUCE INVENTORY OF NON-**  
21 **RATING WORKLOAD; SENSE OF CONGRESS**  
22 **REGARDING MONDAY MORNING WORKLOAD**  
23 **REPORT.**

24 (a) REPORT.—Not later than 120 days after the date  
25 of the enactment of this Act, the Secretary of Veterans



1 Affairs shall submit to the Committee on Veterans' Affairs  
2 of the Senate and the Committee on Veterans' Affairs of  
3 the House of Representatives a report that details the  
4 plans of the Secretary to reduce the inventory of work  
5 items listed in the Monday Morning Workload Report  
6 under End Products 130, 137, 173, 290, 400, 600, 607,  
7 690, 930, and 960.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that the Secretary of Veterans Affairs should include  
10 in each Monday Morning Workload Report published by  
11 the Secretary the following:

12 (1) With respect to each regional office of the  
13 Department of Veterans Affairs, the following:

14 (A) The number of fully developed claims  
15 for benefits under the laws administered by the  
16 Secretary that have been received.

17 (B) The number of claims described in  
18 subparagraph (A) that are pending a decision.

19 (C) The number of claims described in  
20 subparagraph (A) that have been pending a de-  
21 cision for more than 125 days.

22 (2) Enhanced information on appeals of deci-  
23 sions relating to claims for benefits under the laws  
24 administered by the Secretary that are pending, in-  
25 cluding information contained in the reports of the

1 Department entitled “Appeals Pending” and “Ap-  
2 peals Workload By Station”.

3 **SEC. 108. ANNUAL REPORT ON PROGRESS IN IMPLE-**  
4 **MENTING VETERANS BENEFITS MANAGE-**  
5 **MENT SYSTEM.**

6 (a) IN GENERAL.—Not later than each of 1 year, 2  
7 years, and 3 years after the date of the enactment of this  
8 Act, the Secretary of Veterans Affairs shall submit to the  
9 Committee on Veterans’ Affairs of the Senate and the  
10 Committee on Veterans’ Affairs of the House of Rep-  
11 resentatives a report on the progress of the Secretary in  
12 implementing the Veterans Benefits Management System.

13 (b) CONTENTS.—Each report required by subsection  
14 (a) shall include the following:

15 (1) An assessment of the current functionality  
16 of the Veterans Benefits Management System.

17 (2) Recommendations submitted to the Sec-  
18 retary by employees of the Department of Veterans  
19 Affairs who are involved in processing claims for  
20 benefits under the laws administered by the Sec-  
21 retary, including veterans service representatives,  
22 rating veterans service representatives, and decision  
23 review officers, for such legislative or administrative  
24 action as the employees consider appropriate to im-  
25 prove the processing of such claims.

1           (3) Recommendations submitted to the Sec-  
2           retary by veterans service organizations who use the  
3           Veterans Benefits Management System for such leg-  
4           islative or administrative action as the veterans serv-  
5           ice organizations consider appropriate to improve  
6           such system.

7           (c) VETERANS SERVICE ORGANIZATION DEFINED.—  
8           In this section, the term “veterans service organization”  
9           means any organization recognized by the Secretary for  
10          the representation of veterans under section 5902 of title  
11          38, United States Code.

12       **SEC. 109. IMPROVEMENTS TO AUTHORITY FOR PERFORM-**  
13                       **ANCE OF MEDICAL DISABILITIES EXAMINA-**  
14                       **TIONS BY CONTRACT PHYSICIANS.**

15          (a) LICENSURE OF CONTRACT PHYSICIANS.—

16               (1) TEMPORARY AUTHORITY.—Section 704 of  
17          the Veterans Benefits Act of 2003 (38 U.S.C. 5101  
18          note) is amended—

19                       (A) by redesignating subsection (d) as sub-  
20                       section (e); and

21                       (B) by inserting after subsection (c) the  
22                       following new subsection (d):

23          “(d) LICENSURE OF CONTRACT PHYSICIANS.—

24                       “(1) IN GENERAL.—Notwithstanding any law  
25          regarding the licensure of physicians, a physician de-

1       scribed in paragraph (2) may conduct an examina-  
2       tion pursuant to a contract entered into under sub-  
3       section (b) at any location in any State, the District  
4       of Columbia, or a Commonwealth, territory, or pos-  
5       session of the United States, so long as the examina-  
6       tion is within the scope of the authorized duties  
7       under such contract.

8               “(2) PHYSICIAN DESCRIBED.—A physician de-  
9       scribed in this paragraph is a physician who—

10               “(A) has a current unrestricted license to  
11       practice the health care profession of the physi-  
12       cian;

13               “(B) is not barred from practicing such  
14       health care profession in any State, the District  
15       of Columbia, or a Commonwealth, territory, or  
16       possession of the United States; and

17               “(C) is performing authorized duties for  
18       the Department of Veterans Affairs pursuant to  
19       a contract entered into under subsection (b).”.

20               (2) PILOT PROGRAM.—Section 504 of the Vet-  
21       erans’ Benefits Improvement Act of 1996 (38  
22       U.S.C. 5101 note) is amended—

23               (A) by redesignating subsections (c) and  
24       (d) as subsections (d) and (e), respectively; and

1 (B) by inserting after subsection (b) the  
2 following new subsection (c):

3 “(c) LICENSURE OF CONTRACT PHYSICIANS.—

4 “(1) IN GENERAL.—Notwithstanding any law  
5 regarding the licensure of physicians, a physician de-  
6 scribed in paragraph (2) may conduct an examina-  
7 tion pursuant to a contract entered into under sub-  
8 section (a) at any location in any State, the District  
9 of Columbia, or a Commonwealth, territory, or pos-  
10 session of the United States, so long as the examina-  
11 tion is within the scope of the authorized duties  
12 under such contract.

13 “(2) PHYSICIAN DESCRIBED.—A physician de-  
14 scribed in this paragraph is a physician who—

15 “(A) has a current unrestricted license to  
16 practice the health care profession of the physi-  
17 cian;

18 “(B) is not barred from practicing such  
19 health care profession in any State, the District  
20 of Columbia, or a Commonwealth, territory, or  
21 possession of the United States; and

22 “(C) is performing authorized duties for  
23 the Department of Veterans Affairs pursuant to  
24 a contract entered into under subsection (a).”.

1 **SEC. 110. INDEPENDENT REVIEW OF PROCESS BY WHICH**  
2 **DEPARTMENT OF VETERANS AFFAIRS AS-**  
3 **SESSES IMPAIRMENTS THAT RESULT FROM**  
4 **TRAUMATIC BRAIN INJURY FOR PURPOSES**  
5 **OF AWARDING DISABILITY COMPENSATION.**

6 (a) AGREEMENT.—

7 (1) IN GENERAL.—The Secretary of Veterans  
8 Affairs shall seek to enter into an agreement with  
9 the National Academies of Sciences, Engineering,  
10 and Medicine to perform the services covered by this  
11 section.

12 (2) TIMING.—The Secretary shall seek to enter  
13 into the agreement described in paragraph (1) not  
14 later than 9 months after the date of the enactment  
15 of this Act.

16 (b) COMPREHENSIVE REVIEW.—

17 (1) IN GENERAL.—Under an agreement be-  
18 tween the Secretary and the National Academies of  
19 Sciences, Engineering, and Medicine under this sec-  
20 tion, the National Academies of Sciences, Engineer-  
21 ing, and Medicine shall conduct a comprehensive re-  
22 view of examinations furnished by the Department  
23 of Veterans Affairs to individuals who submit claims  
24 to the Secretary for compensation under chapter 11  
25 of title 38, United States Code, for traumatic brain

1 injury to assess the impairments of such individuals  
2 relating to such injury.

3 (2) ELEMENTS.—The comprehensive review  
4 carried out pursuant to paragraph (1) shall include  
5 the following:

6 (A) A determination of the adequacy of the  
7 tools and protocols used by the Department to  
8 provide examinations described in paragraph  
9 (1).

10 (B) A determination of which credentials  
11 are necessary for health care specialists and  
12 providers to perform such portions of such ex-  
13 aminations that relate to an assessment of all  
14 disabling effects.

15 (3) GROUP OF EXPERIENCED HEALTH CARE  
16 PROVIDERS.—In carrying out the comprehensive re-  
17 view pursuant to paragraph (1), the National Acad-  
18 emies of Sciences, Engineering, and Medicine shall  
19 convene a group of relevant experts, including ex-  
20 perts in clinical neuropsychology, psychiatry,  
21 physiatry, neurosurgery, and neurology.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than 540 days  
24 after the date on which the Secretary enters into an  
25 agreement under subsection (a)(1), the Secretary

1 shall submit to the Committees on Veterans' Affairs  
2 of the Senate and House of Representatives a report  
3 on the comprehensive review conducted under this  
4 section.

5 (2) ELEMENTS.—The report submitted under  
6 paragraph (1) shall include the following:

7 (A) The findings of the National Acad-  
8 emies of Sciences, Engineering, and Medicine  
9 with respect to the comprehensive review con-  
10 ducted under this section.

11 (B) Such recommendations for legislative  
12 or administrative action as the National Acad-  
13 emies of Sciences, Engineering, and Medicine  
14 may have for the improvement of the adjudica-  
15 tion of claims described in subsection (b)(1).

16 (d) ALTERNATE CONTRACT ORGANIZATION.—

17 (1) IN GENERAL.—If the Secretary is unable  
18 within the period prescribed in subsection (a)(2) to  
19 enter into an agreement described in subsection  
20 (a)(1) with the National Academies of Sciences, En-  
21 gineering, and Medicine on terms acceptable to the  
22 Secretary, the Secretary shall seek to enter into such  
23 an agreement with another appropriate organization  
24 that—

25 (A) is not part of the Government;



1 (B) operates as a not-for-profit entity; and

2 (C) has expertise and objectivity com-  
3 parable to that of the Health and Medicine Di-  
4 vision of the National Academies of Sciences,  
5 Engineering, and Medicine.

6 (2) TREATMENT.—If the Secretary enters into  
7 an agreement with another organization as described  
8 in paragraph (1), any reference in this section to the  
9 National Academies of Sciences, Engineering, and  
10 Medicine shall be treated as a reference to the other  
11 organization.

12 **SEC. 111. REPORTS ON CLAIMS FOR DISABILITY COM-**  
13 **PENSATION.**

14 (a) REPORT ON REASONABLY RAISED CLAIMS.—Not  
15 later than 540 days after the date of the enactment of  
16 this Act, the Secretary of Veterans Affairs shall submit  
17 to the Committees on Veterans' Affairs of the Senate and  
18 House of Representatives a report on the policies of the  
19 Department of Veterans Affairs with respect to processing  
20 reasonably raised unrelated claims. Such report shall in-  
21 clude—

22 (1) any statistics on how frequently such unre-  
23 lated claims are identified by the Secretary;

24 (2) how frequently the Secretary notifies claim-  
25 ants about potential unrelated claims; and

1           (3) how often the claimant later submits a  
2           claim for the condition described by the unrelated  
3           claim.

4           (b) ANNUAL REPORTS ON COMPLETE AND INCOM-  
5           PLETE CLAIMS.—During the 5-year period beginning on  
6           the date of the enactment of this Act, the Secretary shall  
7           submit to the Committees on Veterans' Affairs of the Sen-  
8           ate and House of Representatives annual reports on com-  
9           plete and incomplete claims for disability compensation  
10          submitted to the Secretary. Each such report shall in-  
11          clude, for the 1-year period covered by the report—

12           (1) the total number of claims submitted to the  
13          Secretary;

14           (2) the total number of incomplete claims sub-  
15          mitted to the Secretary;

16           (3) the total number of complete claims sub-  
17          mitted to the Secretary;

18           (4) the total number of forms indicating an in-  
19          tent to file a claim for benefits submitted to the Sec-  
20          retary;

21           (5) the total number of electronically filed  
22          claims submitted to the Secretary;

23           (6) the total number of fully developed claims  
24          submitted to the Secretary;

1           (7) the total number of claims submitted to the  
2           Secretary that are not complete claims but that the  
3           Secretary treats as a request by the claimant for a  
4           form to file a claim; and

5           (8) of the total number of claims identified  
6           under paragraph (7), the percent for which the Sec-  
7           retary notified the claimant of the need to file a  
8           complete claim.

9           (c) DEFINITIONS.—In this section:

10           (1) The term “claimant” has the meaning given  
11           such term in section 5100 of title 38, United States  
12           Code, and includes a representative of a claimant.

13           (2) The term “reasonably raised unrelated  
14           claim” means a claim for disability compensation  
15           under the laws administered by the Secretary of Vet-  
16           erans Affairs that, in addition to the condition for  
17           which such claim is made, includes evidence of a  
18           separate condition that is not specifically identified  
19           as part of the claim but may be inferred or logically  
20           placed at issue upon a sympathetic reading of the  
21           claim and the record developed with respect to that  
22           claim.

23 **SEC. 112. SENSE OF CONGRESS REGARDING AMERICAN**  
24 **VETERANS DISABLED FOR LIFE.**

25           (a) FINDINGS.—Congress finds the following:

1           (1) There are at least 4,200,000 veterans cur-  
2           rently living with service-connected disabilities.

3           (2) As a result of their service, many veterans  
4           are permanently disabled throughout their lives and  
5           in many cases must rely on the support of their fam-  
6           ilies and friends when these visible and invisible bur-  
7           dens become too much to bear alone.

8           (3) October 5, which is the anniversary of the  
9           dedication of the American Veterans Disabled for  
10          Life Memorial, has been recognized as an appro-  
11          priate day on which to honor American veterans dis-  
12          abled for life each year.

13          (b) SENSE OF CONGRESS.—Congress—

14                 (1) expresses its appreciation to the men and  
15                 women left permanently wounded, ill, or injured as  
16                 a result of their service in the Armed Forces;

17                 (2) supports the annual recognition of Amer-  
18                 ican veterans disabled for life each year; and

19                 (3) encourages the American people to honor  
20                 American veterans disabled for life each year with  
21                 appropriate programs and activities.

1 **SEC. 113. SENSE OF CONGRESS ON SUBMITTAL OF INFOR-**  
2 **MATION RELATING TO CLAIMS FOR DISABIL-**  
3 **ITIES INCURRED OR AGGRAVATED BY MILI-**  
4 **TARY SEXUAL TRAUMA.**

5 (a) **IN GENERAL.**—It is the sense of Congress that  
6 the Secretary of Veterans Affairs should submit to Con-  
7 gress information on the covered claims submitted to the  
8 Secretary during each fiscal year, including the informa-  
9 tion specified in subsection (b).

10 (b) **ELEMENTS.**—The information specified in this  
11 subsection with respect to each fiscal year is the following:

12 (1) The number of covered claims submitted to  
13 or considered by the Secretary during such fiscal  
14 year.

15 (2) Of the covered claims under paragraph (1),  
16 the number and percentage of such claims—

17 (A) submitted by each sex;

18 (B) that were approved, including the  
19 number and percentage of such approved claims  
20 submitted by each sex; and

21 (C) that were denied, including the number  
22 and percentage of such denied claims submitted  
23 by each sex.

24 (3) Of the covered claims under paragraph (1)  
25 that were approved, the number and percentage, list-

1 ed by each sex, of claims assigned to each rating  
2 percentage of disability.

3 (4) Of the covered claims under paragraph (1)  
4 that were denied—

5 (A) the three most common reasons given  
6 by the Secretary under section 5104(b)(1) of  
7 title 38, United States Code, for such denials;  
8 and

9 (B) the number of denials that were based  
10 on the failure of a veteran to report for a med-  
11 ical examination.

12 (5) The number of covered claims that, as of  
13 the end of such fiscal year, are pending and, sepa-  
14 rately, the number of such claims on appeal.

15 (6) The average number of days that covered  
16 claims take to complete beginning on the date on  
17 which the claim is submitted.

18 (7) A description of the training that the Sec-  
19 retary provides to employees of the Veterans Bene-  
20 fits Administration specifically with respect to cov-  
21 ered claims, including the frequency, length, and  
22 content of such training.

23 (c) DEFINITIONS.—In this section:

24 (1) The term “covered claims” means claims  
25 for disability compensation submitted to the Sec-

1       retary based on a mental health condition alleged to  
2       have been incurred or aggravated by military sexual  
3       trauma.

4               (2) The term “military sexual trauma” shall  
5       have the meaning specified by the Secretary for pur-  
6       poses of this section and shall include “sexual har-  
7       assment” (as so specified).

8       **TITLE        II—UNITED        STATES**  
9       **COURT OF APPEALS FOR VET-**  
10      **ERANS CLAIMS**

11      **SEC. 201. EXTENSION OF TEMPORARY INCREASE IN NUM-**  
12                                   **BER OF JUDGES ON UNITED STATES COURT**  
13                                   **OF APPEALS FOR VETERANS CLAIMS.**

14       (a) IN GENERAL.—Section 7253(i)(2) is amended by  
15      striking “January 1, 2013” and inserting “January 1,  
16      2021”.

17       (b) REPORT.—

18               (1) IN GENERAL.—Not later than June 30,  
19      2020, the chief judge of the United States Court of  
20      Appeals for Veterans Claims shall submit to the  
21      Committee on Veterans’ Affairs of the Senate and  
22      the Committee on Veterans’ Affairs of the House of  
23      Representatives a report on the temporary expan-  
24      sions of the Court under section 7253 of title 38,  
25      United States Code.

1           (2) CONTENTS.—The report required by para-  
2 graph (1) shall include the following:

3           (A) An assessment of the effect of the ex-  
4 pansion on ensuring appeals are handled in a  
5 timely manner.

6           (B) A description of the ways in which the  
7 complexity levels of the appeals acted on by the  
8 Court may have changed based on service dur-  
9 ing recent conflicts compared to those based on  
10 service from previous eras.

11           (C) A recommendation on whether the  
12 number of judges should be adjusted at the end  
13 of the temporary expansion period, including  
14 statistics, projections, trend analyses, and other  
15 information to support the recommendation.

16 **SEC. 202. LIFE INSURANCE PROGRAM RELATING TO**  
17 **JUDGES OF UNITED STATES COURT OF AP-**  
18 **PEALS FOR VETERANS CLAIMS.**

19           (a) IN GENERAL.—Section 7281 is amended by add-  
20 ing at the end the following:

21           “(j) For purposes of chapter 87 of title 5, a judge  
22 who is in regular active service and a judge who is retired  
23 under section 7296 of this title or under chapter 83 or  
24 84 of title 5 shall be treated as an employee described  
25 in section 8701(a)(5) of title 5.



1       “(k) Notwithstanding any other provision of law, the  
2 Court may pay on behalf of its judges, who are age 65  
3 or older, any increase in the cost of Federal Employees’  
4 Group Life Insurance imposed after April 24, 1999, in-  
5 cluding any expenses generated by such payments, as au-  
6 thorized by the chief judge of the Court in a manner con-  
7 sistent with such payment authorized by the Judicial Con-  
8 ference of the United States pursuant to section 604(a)(5)  
9 of title 28.”.

10       (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall apply with respect to any payment  
12 made on or after the first day of the first applicable pay  
13 period beginning on or after the date of the enactment  
14 of this Act.

15 **SEC. 203. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-**  
16 **VIVORS’ ANNUITY.**

17       Section 7297 is amended by adding at the end the  
18 following new subsection:

19       “(p)(1) A covered judge who makes an election under  
20 subsection (b) may purchase, in 3-month increments, up  
21 to an additional year of service credit for each year of Fed-  
22 eral judicial service completed, under the terms set forth  
23 in this section.

24       “(2) In this subsection, the term ‘covered judge’  
25 means any of the following:

1           “(A) A judge in regular active service.

2           “(B) A retired judge who is a recall-eligible re-  
3           tired judge pursuant to subsection (a) of section  
4           7257 of this title.

5           “(C) A retired judge who would be a recall-eli-  
6           gible retired judge pursuant to subsection (a) of sec-  
7           tion 7257 but for—

8                   “(i) meeting the aggregate recall service  
9                   requirements under subsection (b)(3) of such  
10                  section; or

11                   “(ii) being permanently disabled as de-  
12                  scribed by subsection (b)(4) of such section.”.

13 **SEC. 204. SELECTION OF CHIEF JUDGE OF UNITED STATES**

14                   **COURT OF APPEALS FOR VETERANS CLAIMS.**

15           (a) IN GENERAL.—Section 7253(d) is amended—

16                   (1) in paragraph (1)—

17                           (A) in subparagraph (A), by striking  
18                           “and”;

19                           (B) by redesignating subparagraph (B) as  
20                           subparagraph (C); and

21                           (C) by inserting after subparagraph (A)  
22                           the following new subparagraph (B):

23                           “(B) have at least 3 years remaining in term of  
24                           office; and”; and

1           (2) by amending paragraph (2) to read as fol-  
2           lows:

3           “(2)(A) In any case in which there is no judge of  
4 the Court in regular active service who meets the require-  
5 ments under paragraph (1), the judge of the Court in reg-  
6 ular active service who is senior in commission and meets  
7 subparagraph (A) or (B) and subparagraph (C) of para-  
8 graph (1) shall act as the chief judge.

9           “(B) In any case under subparagraph (A) of this  
10 paragraph in which there is no judge of the Court in reg-  
11 ular active service who meets subparagraph (A) or (B) and  
12 subparagraph (C) of paragraph (1), the judge of the Court  
13 in regular active service who is senior in commission and  
14 meets subparagraph (C) shall act as the chief judge.”.

15           (b) APPLICABILITY.—The amendments made by sub-  
16 section (a) shall apply with respect to the selection of a  
17 chief judge occurring on or after January 1, 2020.

18           **TITLE III—BURIAL BENEFITS**  
19           **AND OTHER MATTERS**

20           **SEC. 301. EXPANSION OF ELIGIBILITY FOR HEADSTONES,**  
21           **MARKERS, AND MEDALLIONS.**

22           Section 2306(d) is amended—

23           (1) by striking paragraph (4) and inserting the  
24           following new paragraph:

1       “(4)(A) In lieu of furnishing a headstone or marker  
2 under this subsection to a deceased individual described  
3 in subparagraph (B), the Secretary may furnish, upon re-  
4 quest, a medallion or other device of a design determined  
5 by the Secretary to signify the deceased individual’s status  
6 as a veteran, to be attached to a headstone or marker fur-  
7 nished at private expense.

8       “(B) A deceased individual described in this sub-  
9 section is an individual who—

10           “(i) served in the Armed Forces on or after  
11       April 6, 1917; and

12           “(ii) is eligible for a headstone or marker fur-  
13       nished under paragraph (1) (or would be so eligible  
14       but for the date of the death of the individual).”;  
15       and

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

18       “(5)(A) In carrying out this subsection with respect  
19 to a deceased individual described in subparagraph (C),  
20 the Secretary shall furnish, upon request, a headstone or  
21 marker under paragraph (1) or a medallion under para-  
22 graph (4) that signifies the deceased’s status as a medal  
23 of honor recipient.

24       “(B) If the Secretary furnished a headstone, marker,  
25 or medallion under paragraph (1) or (4) for a deceased

1 individual described in subparagraph (C) that does not  
2 signify the deceased's status as a medal of honor recipient,  
3 the Secretary shall, upon request, replace such headstone,  
4 marker, or medallion with a headstone, marker, or medal-  
5 lion, as the case may be, that so signifies the deceased's  
6 status as a medal of honor recipient.

7 “(C) A deceased individual described in this subpara-  
8 graph is a deceased individual who—

9 “(i) served in the Armed Forces on or after  
10 April 6, 1917;

11 “(ii) is eligible for a headstone or marker fur-  
12 nished under paragraph (1) or a medallion furnished  
13 under paragraph (4) (or would be so eligible for  
14 such headstone, marker, or medallion but for the  
15 date of the death of the individual); and

16 “(iii) was awarded the medal of honor under  
17 section 3741, 6241, or 8741 of title 10 or section  
18 491 of title 14 (including posthumously).

19 “(D) In this paragraph, the term ‘medal of honor re-  
20 cipient’ means an individual who is awarded the medal of  
21 honor under section 3741, 6241, or 8741 of title 10 or  
22 section 491 of title 14.”.

1 **SEC. 302. EXPANSION OF PRESIDENTIAL MEMORIAL CER-**  
2 **TIFICATE PROGRAM.**

3 (a) IN GENERAL.—Section 112(a) is amended by  
4 striking “veterans,” and all that follows through “serv-  
5 ice,” and inserting the following: “persons eligible for bur-  
6 ial in a national cemetery by reason of any of paragraphs  
7 (1), (2), (3), or (7) of section 2402(a) of this title,”.

8 (b) APPLICATION.—The amendment made by sub-  
9 section (a) shall apply with respect to the death of a per-  
10 son eligible for burial in a national cemetery by reason  
11 of paragraph (1), (2), (3), or (7) of section 2402(a) of  
12 title 38, United States Code, occurring before, on, or after  
13 the date of the enactment of this Act.

14 **SEC. 303. DEPARTMENT OF VETERANS AFFAIRS STUDY ON**  
15 **MATTERS RELATING TO BURIAL OF UN-**  
16 **CLAIMED REMAINS OF VETERANS IN NA-**  
17 **TIONAL CEMETERIES.**

18 (a) STUDY AND REPORT REQUIRED.—Not later than  
19 1 year after the effective date specified in subsection (d),  
20 the Secretary of Veterans Affairs shall—

21 (1) complete a study on matters relating to the  
22 interring of unclaimed remains of veterans in na-  
23 tional cemeteries under the control of the National  
24 Cemetery Administration; and

25 (2) submit to the Committee on Veterans’ Af-  
26 fairs of the Senate and the Committee on Veterans’

1 Affairs of the House of Representatives a report on  
2 the findings of the Secretary with respect to the  
3 study required under paragraph (1).

4 (b) MATTERS STUDIED.—The matters studied under  
5 subsection (a)(1) shall include the following:

6 (1) Determining the scope of issues relating to  
7 unclaimed remains of veterans, including an esti-  
8 mate of the number of unclaimed remains of vet-  
9 erans.

10 (2) Assessing the effectiveness of the proce-  
11 dures of the Department of Veterans Affairs for  
12 working with persons or entities having custody of  
13 unclaimed remains to facilitate interment of un-  
14 claimed remains of veterans in national cemeteries  
15 under the control of the National Cemetery Adminis-  
16 tration.

17 (3) Assessing State and local laws that affect  
18 the ability of the Secretary to inter unclaimed re-  
19 mains of veterans in national cemeteries under the  
20 control of the National Cemetery Administration.

21 (4) Developing recommendations for such legis-  
22 lative or administrative action as the Secretary con-  
23 siders appropriate.

24 (c) METHODOLOGY.—

1           (1) NUMBER OF UNCLAIMED REMAINS.—In es-  
2           timating the number of unclaimed remains of vet-  
3           erans under subsection (b)(1), the Secretary may re-  
4           view such subset of applicable entities as the Sec-  
5           retary considers appropriate, including a subset of  
6           funeral homes and coroner offices that possess un-  
7           claimed veterans remains.

8           (2) ASSESSMENT OF STATE AND LOCAL  
9           LAWS.—In assessing State and local laws under sub-  
10          section (b)(3), the Secretary may assess such sample  
11          of applicable State and local laws as the Secretary  
12          considers appropriate in lieu of reviewing all applica-  
13          ble State and local laws.

14          (d) EFFECTIVE DATE.—This section shall take effect  
15          on the date that is 1 year after the date of the enactment  
16          of this Act.

17       **SEC. 304. STUDY ON PROVISION OF INTERMENTS IN VET-**  
18                               **ERANS' CEMETERIES DURING WEEKENDS.**

19          (a) STUDY.—

20               (1) IN GENERAL.—The Secretary of Veterans  
21               Affairs shall conduct a study on the feasibility and  
22               the need for providing increased interments in vet-  
23               erans' cemeteries on Saturdays and Sundays to meet  
24               the needs of surviving family members to properly  
25               honor the deceased.



1           (2) MATTERS INCLUDED.—The study under  
2 paragraph (1) shall include the following:

3           (A) The number of requests made for in-  
4 terments in veterans' cemeteries on a Saturday  
5 or a Sunday since January 1, 2007.

6           (B) The number of requests identified  
7 under subparagraph (A) that were granted.

8           (C) An estimate of the number of families  
9 that, since January 1, 2007, would have se-  
10 lected a weekend interment if such an inter-  
11 ment would have been offered.

12           (D) A review of the practices relating to  
13 weekend interments among non-veterans' ceme-  
14 teries, including private and municipal ceme-  
15 teries.

16           (E) A comparison of the costs to veterans'  
17 cemeteries with respect to providing regular in-  
18 terments only during weekdays and such costs  
19 for providing regular interments during the  
20 weekdays and at least 1 weekend day.

21           (F) Any other information the Secretary  
22 determines appropriate.

23           (3) CONSULTATION.—In carrying out the study  
24 under paragraph (1), the Secretary shall consult  
25 with the following:

1 (A) Veterans who are eligible to be in-  
2 terred in a veterans' cemetery.

3 (B) Family members of a deceased indi-  
4 vidual interred in a veterans' cemetery.

5 (C) Veterans service organizations.

6 (D) Associations representing cemetery  
7 and funeral home professionals.

8 (E) The heads of agencies of State govern-  
9 ments relating to veterans affairs.

10 (F) The directors of the veterans' ceme-  
11 teries.

12 (G) Any other person the Secretary deter-  
13 mines appropriate.

14 (b) SUBMISSION.—Not later than 180 days after the  
15 date of the enactment of this Act, the Secretary shall sub-  
16 mit to the Committees on Veterans' Affairs of the House  
17 of Representatives and the Senate a report on the study  
18 conducted under subsection (a).

19 (c) VETERANS' CEMETERIES DEFINED.—In this sec-  
20 tion, the term "veterans' cemeteries" means the ceme-  
21 teries of the National Cemetery Administration, veterans'  
22 cemeteries owned by a State, and veterans' cemeteries  
23 owned by a tribal organization.

1 **SEC. 305. HONORING AS VETERANS CERTAIN PERSONS**  
 2 **WHO PERFORMED SERVICE IN THE RESERVE**  
 3 **COMPONENTS OF THE ARMED FORCES.**

4 Any person who is entitled under chapter 1223 of  
 5 title 10, United States Code, to retired pay for nonregular  
 6 service or, but for age, would be entitled under such chap-  
 7 ter to retired pay for nonregular service shall be honored  
 8 as a veteran but shall not be entitled to any benefit by  
 9 reason of this honor.

10 **TITLE IV—EDUCATIONAL AS-**  
 11 **SISTANCE AND VOCATIONAL**  
 12 **REHABILITATION**

13 **SEC. 401. CLARIFICATION OF ELIGIBILITY FOR MARINE**  
 14 **GUNNERY SERGEANT JOHN DAVID FRY**  
 15 **SCHOLARSHIP.**

16 (a) IN GENERAL.—Section 701(d) of the Veterans  
 17 Access, Choice, and Accountability Act of 2014 (Public  
 18 Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note) is  
 19 amended to read as follows:

20 “(d) APPLICABILITY.—

21 “(1) IN GENERAL.—The amendments made by  
 22 this section shall apply with respect to a quarter, se-  
 23 mester, or term, as applicable, commencing on or  
 24 after January 1, 2015.

25 “(2) DEATHS THAT OCCURRED BETWEEN SEP-  
 26 TEMBER 11, 2001, AND DECEMBER 31, 2005.—For

1 purposes of section 3311(f)(2) of title 38, United  
2 States Code, any member of the Armed Forces who  
3 died during the period beginning on September 11,  
4 2001, and ending on December 31, 2005, is deemed  
5 to have died on January 1, 2006.”.

6 (b) ELECTION ON RECEIPT OF CERTAIN BENE-  
7 FITS.—Section 3311(f) is amended—

8 (1) in paragraph (3), by striking “A surviving  
9 spouse” and inserting “Except as provided in para-  
10 graph (4), a surviving spouse”;

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

13 (3) by inserting after paragraph (3) the fol-  
14 lowing new paragraph (4):

15 “(4) EXCEPTION FOR CERTAIN ELECTIONS.—

16 “(A) IN GENERAL.—An election made  
17 under paragraph (3) by a spouse described in  
18 subparagraph (B) may not be treated as irrev-  
19 ovable if such election occurred before the date  
20 of the enactment of this paragraph.

21 “(B) ELIGIBLE SURVIVING SPOUSE.—A  
22 spouse described in this subparagraph is an in-  
23 dividual—

1                   “(i) who is entitled to assistance  
2                   under subsection (a) pursuant to para-  
3                   graph (9) of subsection (b); and

4                   “(ii) who was the spouse of a member  
5                   of the Armed Forces who died during the  
6                   period beginning on September 11, 2001,  
7                   and ending on December 31, 2005.”.

8           (c) **TECHNICAL AMENDMENT.**—Paragraph (5) of  
9           subsection (f) of section 3311, as redesignated by sub-  
10          section (b)(2), is amended by striking “that paragraph”  
11          and inserting “paragraph (9) of subsection (b)”.

12   **SEC. 402. APPROVAL OF COURSES OF EDUCATION AND**  
13                   **TRAINING FOR PURPOSES OF THE VOCA-**  
14                   **TIONAL REHABILITATION PROGRAM OF THE**  
15                   **DEPARTMENT OF VETERANS AFFAIRS.**

16          (a) **IN GENERAL.**—Section 3104(b) is amended by  
17          adding at the end the following new sentences: “To the  
18          maximum extent practicable, a course of education or  
19          training may be pursued by a veteran as part of a rehabili-  
20          tation program under this chapter only if the course is  
21          approved for purposes of chapter 30 or 33 of this title.  
22          The Secretary may waive the requirement under the pre-  
23          ceding sentence to the extent the Secretary determines ap-  
24          propriate.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply with respect to a course of edu-  
3 cation or training pursued by a veteran who first begins  
4 a program of rehabilitation under chapter 31 of title 38,  
5 United States Code, on or after the date that is 1 year  
6 after the date of the enactment of this Act.

7 **SEC. 403. AUTHORITY TO PRIORITIZE VOCATIONAL REHA-**  
8 **BILITATION SERVICES BASED ON NEED.**

9 Section 3104, as amended by section 402, is further  
10 amended by adding at the end the following new sub-  
11 section:

12 “(c)(1) The Secretary shall have the authority to ad-  
13 minister this chapter by prioritizing the provision of serv-  
14 ices under this chapter based on need, as determined by  
15 the Secretary. In evaluating need for purposes of this sub-  
16 section, the Secretary shall consider disability ratings, the  
17 severity of employment handicaps, qualification for a pro-  
18 gram of independent living, income, and any other factor  
19 the Secretary determines appropriate.

20 “(2) Not later than 90 days before making any  
21 changes to the prioritization of the provision of services  
22 under this chapter as authorized under paragraph (1), the  
23 Secretary shall submit to the Committees on Veterans’ Af-  
24 fairs of the Senate and House of Representatives a plan  
25 describing such changes.”.

1 **SEC. 404. REPORTS ON PROGRESS OF STUDENTS RECEIV-**  
2 **ING POST-9/11 EDUCATIONAL ASSISTANCE.**

3 (a) IN GENERAL.—Subchapter III of chapter 33 is  
4 amended—

5 (1) in section 3325(e)—

6 (A) in paragraph (2), by striking “and”  
7 after the semicolon;

8 (B) by redesignating paragraph (3) as  
9 paragraph (4); and

10 (C) by inserting after paragraph (2) the  
11 following new paragraph (3):

12 “(3) the information received by the Secretary  
13 under section 3326 of this title; and”;

14 (2) by adding at the end the following new sec-  
15 tion:

16 **“§ 3326. Report on student progress**

17 “As a condition of approval under chapter 36 of this  
18 title of a course offered by an educational institution (as  
19 defined in section 3452 of this title), each year, each edu-  
20 cational institution (as so defined) that received a payment  
21 in that year on behalf of an individual entitled to edu-  
22 cational assistance under this chapter shall submit to the  
23 Secretary such information regarding the academic  
24 progress of the individual as the Secretary may require.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by adding  
 3 at the end the following new item:

“3326. Report on student progress.”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 this section shall take effect on the date that is 1 year  
 6 after the date of the enactment of this Act.

7 **SEC. 405. RECODIFICATION AND IMPROVEMENT OF ELEC-**  
 8 **TION PROCESS FOR POST-9/11 EDUCATIONAL**  
 9 **ASSISTANCE PROGRAM.**

10 (a) IN GENERAL.—Subchapter III of chapter 33, as  
 11 amended by section 404, is further amended by adding  
 12 at the end the following new section:

13 **“§ 3327. Election to receive educational assistance**

14 “(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-  
 15 TION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An indi-  
 16 vidual may elect to receive educational assistance under  
 17 this chapter if such individual—

18 “(1) as of August 1, 2009—

19 “(A) is entitled to basic educational assist-  
 20 ance under chapter 30 of this title and has  
 21 used, but retains unused, entitlement under  
 22 that chapter;

23 “(B) is entitled to educational assistance  
 24 under chapter 107, 1606, or 1607 of title 10



1 and has used, but retains unused, entitlement  
2 under the applicable chapter;

3 “(C) is entitled to basic educational assist-  
4 ance under chapter 30 of this title but has not  
5 used any entitlement under that chapter;

6 “(D) is entitled to educational assistance  
7 under chapter 107, 1606, or 1607 of title 10  
8 but has not used any entitlement under such  
9 chapter;

10 “(E) is a member of the Armed Forces  
11 who is eligible for receipt of basic educational  
12 assistance under chapter 30 of this title and is  
13 making contributions toward such assistance  
14 under section 3011(b) or 3012(c) of this title;  
15 or

16 “(F) is a member of the Armed Forces  
17 who is not entitled to basic educational assist-  
18 ance under chapter 30 of this title by reason of  
19 an election under section 3011(c)(1) or  
20 3012(d)(1) of this title; and

21 “(2) as of the date of the individual’s election  
22 under this paragraph, meets the requirements for  
23 entitlement to educational assistance under this  
24 chapter.

1       “(b) CESSATION OF CONTRIBUTIONS TOWARD GI  
2 BILL.—Effective as of the first month beginning on or  
3 after the date of an election under subsection (a) of an  
4 individual described by paragraph (1)(E) of that sub-  
5 section, the obligation of the individual to make contribu-  
6 tions under section 3011(b) or 3012(c) of this title, as  
7 applicable, shall cease, and the requirements of such sec-  
8 tion shall be deemed to be no longer applicable to the indi-  
9 vidual.

10       “(c) REVOCATION OF REMAINING TRANSFERRED  
11 ENTITLEMENT.—

12               “(1) ELECTION TO REVOKE.—If, on the date an  
13 individual described in paragraph (1)(A) or (1)(C) of  
14 subsection (a) makes an election under that sub-  
15 section, a transfer of the entitlement of the indi-  
16 vidual to basic educational assistance under section  
17 3020 of this title is in effect and a number of  
18 months of the entitlement so transferred remain un-  
19 utilized, the individual may elect to revoke all or a  
20 portion of the entitlement so transferred that re-  
21 mains unutilized.

22               “(2) AVAILABILITY OF REVOKED ENTITLE-  
23 MENT.—Any entitlement revoked by an individual  
24 under this subsection shall no longer be available to  
25 the dependent to whom transferred, but shall be

1 available to the individual instead for educational as-  
2 sistance under chapter 33 of this title in accordance  
3 with the provisions of this section.

4 “(3) AVAILABILITY OF UNREVOKED ENTITLE-  
5 MENT.—Any entitlement described in paragraph (1)  
6 that is not revoked by an individual in accordance  
7 with that paragraph shall remain available to the de-  
8 pendent or dependents concerned in accordance with  
9 the current transfer of such entitlement under sec-  
10 tion 3020 of this title.

11 “(d) POST-9/11 EDUCATIONAL ASSISTANCE.—

12 “(1) IN GENERAL.—Subject to paragraph (2)  
13 and except as provided in subsection (e), an indi-  
14 vidual making an election under subsection (a) shall  
15 be entitled to educational assistance under this chap-  
16 ter in accordance with the provisions of this chapter,  
17 instead of basic educational assistance under chapter  
18 30 of this title, or educational assistance under  
19 chapter 107, 1606, or 1607 of title 10, as applicable.

20 “(2) LIMITATION ON ENTITLEMENT FOR CER-  
21 TAIN INDIVIDUALS.—In the case of an individual  
22 making an election under subsection (a) who is de-  
23 scribed by paragraph (1)(A) of that subsection, the  
24 number of months of entitlement of the individual to

1 educational assistance under this chapter shall be  
2 the number of months equal to—

3 “(A) the number of months of unused enti-  
4 tlement of the individual under chapter 30 of  
5 this title, as of the date of the election, plus

6 “(B) the number of months, if any, of enti-  
7 tlement revoked by the individual under sub-  
8 section (c)(1).

9 “(e) CONTINUING ENTITLEMENT TO EDUCATIONAL  
10 ASSISTANCE NOT AVAILABLE UNDER POST-9/11 EDU-  
11 CATIONAL ASSISTANCE PROGRAM.—

12 “(1) IN GENERAL.—In the event educational  
13 assistance to which an individual making an election  
14 under subsection (a) would be entitled under chapter  
15 30 of this title, or chapter 107, 1606, or 1607 of  
16 title 10, as applicable, is not authorized to be avail-  
17 able to the individual under the provisions of this  
18 chapter, the individual shall remain entitled to such  
19 educational assistance in accordance with the provi-  
20 sions of the applicable chapter.

21 “(2) CHARGE FOR USE OF ENTITLEMENT.—  
22 The utilization by an individual of entitlement under  
23 paragraph (1) shall be chargeable against the enti-  
24 tlement of the individual to educational assistance  
25 under this chapter at the rate of 1 month of entitle-

1       ment under this chapter for each month of entitle-  
2       ment utilized by the individual under paragraph (1)  
3       (as determined as if such entitlement were utilized  
4       under the provisions of chapter 30 of this title, or  
5       chapter 107, 1606, or 1607 of title 10, as applica-  
6       ble).

7       “(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEM-  
8       BERS HAVING MADE CONTRIBUTIONS TOWARD GI  
9       BILL.—

10           “(1) ADDITIONAL ASSISTANCE.—In the case of  
11       an individual making an election under subsection  
12       (a) who is described by subparagraph (A), (C), or  
13       (E) of paragraph (1) of that subsection, the amount  
14       of educational assistance payable to the individual  
15       under this chapter as a monthly stipend payable  
16       under paragraph (1)(B) of section 3313(c) of this  
17       title, or under paragraphs (2) through (7) of that  
18       section (as applicable), shall be the amount other-  
19       wise payable as a monthly stipend under the applica-  
20       ble paragraph increased by the amount equal to—

21           “(A) the total amount of contributions to-  
22       ward basic educational assistance made by the  
23       individual under section 3011(b) or 3012(e) of  
24       this title, as of the date of the election, multi-  
25       plied by

1                   “(B) the fraction—  
2                    “(i) the numerator of which is—  
3                      “(I) the number of months of en-  
4                      titlement to basic educational assist-  
5                      ance under chapter 30 of this title re-  
6                      maining to the individual at the time  
7                      of the election; plus  
8                      “(II) the number of months, if  
9                      any, of entitlement under chapter 30  
10                     of this title revoked by the individual  
11                     under subsection (c)(1); and  
12                    “(ii) the denominator of which is 36  
13                    months.

14                   “(2) MONTHS OF REMAINING ENTITLEMENT  
15                   FOR CERTAIN INDIVIDUALS.—In the case of an indi-  
16                   vidual covered by paragraph (1) who is described by  
17                   subsection (a)(1)(E), the number of months of enti-  
18                   tlement to basic educational assistance remaining to  
19                   the individual for purposes of paragraph  
20                   (1)(B)(i)(II) shall be 36 months.

21                   “(3) TIMING OF PAYMENT.—The amount pay-  
22                   able with respect to an individual under paragraph  
23                   (1) shall be paid to the individual together with the  
24                   last payment of the monthly stipend payable to the  
25                   individual under paragraph (1)(B) of section

1 3313(e) of this title, or under paragraphs (2)  
2 through (7) of that section (as applicable), before  
3 the exhaustion of the individual's entitlement to edu-  
4 cational assistance under this chapter.

5 “(g) CONTINUING ENTITLEMENT TO ADDITIONAL  
6 ASSISTANCE FOR CRITICAL SKILLS OR SPECIALTY AND  
7 ADDITIONAL SERVICE.—An individual making an election  
8 under subsection (a)(1) who, at the time of the election,  
9 is entitled to increased educational assistance under sec-  
10 tion 3015(d) of this title, or section 16131(i) of title 10,  
11 or supplemental educational assistance under subchapter  
12 III of chapter 30 of this title, shall remain entitled to such  
13 increased educational assistance or supplemental edu-  
14 cational assistance in the utilization of entitlement to edu-  
15 cational assistance under this chapter, in an amount equal  
16 to the quarter, semester, or term, as applicable, equivalent  
17 of the monthly amount of such increased educational as-  
18 sistance or supplemental educational assistance payable  
19 with respect to the individual at the time of the election.

20 “(h) ALTERNATIVE ELECTION BY SECRETARY.—

21 “(1) IN GENERAL.—In the case of an individual  
22 who, on or after January 1, 2017, submits to the  
23 Secretary an election under this section that the  
24 Secretary determines is clearly against the interests  
25 of the individual, or who fails to make an election

1 under this section, the Secretary may make an alter-  
2 native election on behalf of the individual that the  
3 Secretary determines is in the best interests of the  
4 individual.

5 “(2) NOTICE.—If the Secretary makes an elec-  
6 tion on behalf of an individual under this subsection,  
7 the Secretary shall notify the individual by not later  
8 than seven days after making such election and shall  
9 provide the individual with a 30-day period, begin-  
10 ning on the date of the individual’s receipt of such  
11 notice, during which the individual may modify or  
12 revoke the election made by the Secretary on the in-  
13 dividual’s behalf. The Secretary shall include, as  
14 part of such notice, a clear statement of why the al-  
15 ternative election made by the Secretary is in the  
16 best interests of the individual as compared to the  
17 election submitted by the individual. The Secretary  
18 shall provide the notice required under this para-  
19 graph by electronic means whenever possible.

20 “(i) IRREVOCABILITY OF ELECTIONS.—An election  
21 under subsection (a) or (c)(1) is irrevocable.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of such chapter, as amended by section  
24 404, is further amended by adding at the end the following  
25 new item:

“3327. Election to receive educational assistance.”.



1 (c) CONFORMING REPEAL.—Subsection (c) of section  
2 5003 of the Post-9/11 Veterans Educational Assistance  
3 Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note)  
4 is hereby repealed.

5 **SEC. 406. WORK-STUDY ALLOWANCE.**

6 Section 3485(a)(4) is amended by striking “June 30,  
7 2013” each place it appears and inserting “June 30,  
8 2013, or the period beginning on June 30, 2017, and end-  
9 ing on June 30, 2022”.

10 **SEC. 407. CENTRALIZED REPORTING OF VETERAN ENROLL-**  
11 **MENT BY CERTAIN GROUPS, DISTRICTS, AND**  
12 **CONSORTIUMS OF EDUCATIONAL INSTITU-**  
13 **TIONS.**

14 (a) IN GENERAL.—Section 3684(a) is amended—

15 (1) in paragraph (1), by inserting “32, 33,”  
16 after “31,”; and

17 (2) by adding at the end the following new  
18 paragraph:

19 “(4) For purposes of this subsection, the term ‘edu-  
20 cational institution’ may include a group, district, or con-  
21 sortium of separately accredited educational institutions  
22 located in the same State that are organized in a manner  
23 that facilitates the centralized reporting of the enrollments  
24 in such group, district, or consortium of institutions.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall apply with respect to reports sub-  
3 mitted on or after the date of the enactment of this Act.

4 **SEC. 408. ROLE OF STATE APPROVING AGENCIES.**

5 (a) APPROVAL OF CERTAIN COURSES.—Section  
6 3672(b)(2)(A) is amended by striking “the following” and  
7 all that follows through the colon and inserting the fol-  
8 lowing: “a program of education is deemed to be approved  
9 for purposes of this chapter if a State approving agency,  
10 or the Secretary when acting in the role of a State approv-  
11 ing agency, determines that the program is one of the fol-  
12 lowing programs:”.

13 (b) APPROVAL OF OTHER COURSES.—Section 3675  
14 of such title is amended—

15 (1) in subsection (a)(1)—

16 (A) by striking “The Secretary or a State  
17 approving agency” and inserting “A State ap-  
18 proving agency, or the Secretary when acting in  
19 the role of a State approving agency,”; and

20 (B) by striking “offered by proprietary for-  
21 profit educational institutions” and inserting  
22 “not covered by section 3672 of this title”; and

23 (2) in subsection (b)—

24 (A) in the matter preceding paragraph (1),  
25 by striking “the Secretary or the State approv-

1 ing agency” and inserting “the State approving  
2 agency, or the Secretary when acting in the role  
3 of a State approving agency,”; and

4 (B) in paragraph (1), by striking “the Sec-  
5 retary or the State approving agency” and in-  
6 serting “the State approving agency, or the  
7 Secretary when acting in the role of a State ap-  
8 proving agency”.

9 **SEC. 409. MODIFICATION OF REQUIREMENTS FOR AP-**  
10 **PROVAL FOR PURPOSES OF EDUCATIONAL**  
11 **ASSISTANCE PROVIDED BY DEPARTMENT OF**  
12 **VETERANS AFFAIRS OF PROGRAMS DE-**  
13 **SIGNED TO PREPARE INDIVIDUALS FOR LI-**  
14 **CENSURE OR CERTIFICATION.**

15 (a) APPROVAL OF NONACCREDITED COURSES.—Sub-  
16 section (c) of section 3676 is amended—

17 (1) by redesignating paragraph (14) as para-  
18 graph (16); and

19 (2) by inserting after paragraph (13) the fol-  
20 lowing new paragraphs:

21 “(14) In the case of a course designed to pre-  
22 pare an individual for licensure or certification in a  
23 State, the course—

1           “(A) meets all instructional curriculum li-  
2           censure or certification requirements of such  
3           State; and

4           “(B) in the case of a course designed to  
5           prepare an individual for licensure to practice  
6           law in a State, is accredited by an accrediting  
7           agency or association recognized by the Sec-  
8           retary of Education under subpart 2 of part H  
9           of title IV of the Higher Education Act of 1965  
10          (20 U.S.C. 1099b).

11          “(15) In the case of a course designed to pre-  
12          pare an individual for employment pursuant to  
13          standards developed by a board or agency of a State  
14          in an occupation that requires approval, licensure, or  
15          certification, the course—

16                 “(A) meets such standards; and

17                 “(B) in the case of a course designed to  
18                 prepare an individual for licensure to practice  
19                 law in a State, is accredited by an accrediting  
20                 agency or association recognized by the Sec-  
21                 retary of Education under subpart 2 of part H  
22                 of title IV of the Higher Education Act of 1965  
23                 (20 U.S.C. 1099b).”.

24          (b) EXCEPTIONS.—Such section is further amended  
25          by adding at the end the following new subsection:

1       “(f)(1) The Secretary may waive the requirements of  
2 paragraph (14) or (15) of subsection (c) in the case of  
3 a course of education offered by an educational institution  
4 (either accredited or not accredited) if the Secretary deter-  
5 mines all of the following:

6           “(A) The educational institution is not accred-  
7 ited by an agency or association recognized by the  
8 Secretary of Education.

9           “(B) The course did not meet the requirements  
10 of such paragraph at any time during the 2-year pe-  
11 riod preceding the date of the waiver.

12           “(C) The waiver furthers the purposes of the  
13 educational assistance programs administered by the  
14 Secretary or would further the education interests of  
15 individuals eligible for assistance under such pro-  
16 grams.

17           “(D) The educational institution does not pro-  
18 vide any commission, bonus, or other incentive pay-  
19 ment based directly or indirectly on success in secur-  
20 ing enrollments or financial aid to any persons or  
21 entities engaged in any student recruiting or admis-  
22 sion activities or in making decisions regarding the  
23 award of student financial assistance, except for the  
24 recruitment of foreign students residing in foreign

1 countries who are not eligible to receive Federal stu-  
2 dent assistance.

3 “(2) Not later than 30 days after the date on which  
4 the Secretary issues a waiver under paragraph (1), the  
5 Secretary shall submit to Congress notice of such waiver  
6 and a justification for issuing such waiver.”.

7 (c) APPROVAL OF ACCREDITED COURSES.—Section  
8 3675(b)(3) is amended—

9 (1) by striking “and (3)” and inserting “(3),  
10 (14), (15), and (16)”;

11 (2) by inserting before the period at the end the  
12 following: “(or, with respect to such paragraphs (14)  
13 and (15), the requirements under such paragraphs  
14 are waived pursuant to subsection (f)(1) of section  
15 3676 of this title)”.

16 (d) APPROVAL OF ACCREDITED STANDARD COLLEGE  
17 DEGREE PROGRAMS OFFERED AT PUBLIC OR NOT-FOR-  
18 PROFIT EDUCATIONAL INSTITUTIONS.—Section  
19 3672(b)(2) is amended—

20 (1) in subparagraph (A)(i), by striking “An ac-  
21 credited” and inserting “Except as provided in sub-  
22 paragraph (C), an accredited”;

23 (2) by adding at the end the following new sub-  
24 paragraph:

1       “(C) A course that is described in both subparagraph  
2 (A)(i) of this paragraph and in paragraph (14) or (15)  
3 of section 3676(c) of this title shall not be deemed to be  
4 approved for purposes of this chapter unless—

5               “(i) a State approving agency, or the Secretary  
6 when acting in the role of a State approving agency,  
7 determines that the course meets the applicable cri-  
8 teria in such paragraphs; or

9               “(ii) the Secretary issues a waiver for such  
10 course under section 3676(f)(1) of this title.”.

11       (e) DISAPPROVAL OF COURSES.—Section 3679 is  
12 amended by adding at the end the following new sub-  
13 section:

14       “(d) Notwithstanding any other provision of this  
15 chapter, the Secretary or the applicable State approving  
16 agency shall disapprove a course of education described  
17 in paragraph (14) or (15) of section 3676(c) of this title  
18 unless the educational institution providing the course of  
19 education—

20               “(1) publicly discloses any conditions or addi-  
21 tional requirements, including training, experience,  
22 or examinations, required to obtain the license, cer-  
23 tification, or approval for which the course of edu-  
24 cation is designed to provide preparation; and

1           “(2) makes each disclosure required by para-  
2           graph (1) in a manner that the Secretary considers  
3           prominent (as specified by the Secretary in regula-  
4           tions prescribed for purposes of this subsection).”.

5           (f) APPLICABILITY.—If after enrollment in a course  
6 of education that is subject to disapproval by reason of  
7 an amendment made by this section, an individual pursues  
8 one or more courses of education at the same educational  
9 institution while remaining continuously enrolled (other  
10 than during regularly scheduled breaks between courses,  
11 semesters, or terms) at that institution, any course so pur-  
12 sued by the individual at that institution while so continu-  
13 ously enrolled shall not be subject to disapproval by reason  
14 of such amendment.

15 **SEC. 410. CRITERIA USED TO APPROVE COURSES.**

16           (a) NONACCREDITED COURSES.—Paragraph (16) of  
17 section 3676(c), as redesignated by section 409, is amend-  
18 ed by inserting before the period the following: “if the Sec-  
19 retary, in consultation with the State approving agency  
20 and pursuant to regulations prescribed to carry out this  
21 paragraph, determines such criteria are necessary and  
22 treat public, private, and proprietary for-profit educational  
23 institutions equitably”.



1 (b) ACCREDITED COURSES.—Section 3675(b)(3) is  
2 amended by striking “and (3)” and inserting “(3), and  
3 (14)”.

4 (c) APPLICATION.—The amendment made by sub-  
5 section (a) shall apply with respect to—

6 (1) criteria developed pursuant to paragraph  
7 (16) of subsection (c) of section 3676 of title 38,  
8 United States Code, on or after January 1, 2013;  
9 and

10 (2) an investigation conducted under such sub-  
11 section that is covered by a reimbursement of ex-  
12 penses paid by the Secretary of Veterans Affairs to  
13 a State pursuant to section 3674 of such title on or  
14 after October 1, 2015.

15 **SEC. 411. COMPLIANCE SURVEYS.**

16 (a) IN GENERAL.—Section 3693 is amended—

17 (1) by striking subsection (a) and inserting the  
18 following new subsection (a):

19 “(a)(1) Except as provided in subsection (b), the Sec-  
20 retary shall conduct an annual compliance survey of edu-  
21 cational institutions and training establishments offering  
22 one or more courses approved for the enrollment of eligible  
23 veterans or persons if at least 20 such veterans or persons  
24 are enrolled in any such course. The Secretary shall—

1           “(A) design the compliance surveys to ensure  
2           that such institutions or establishments, as the case  
3           may be, and approved courses are in compliance  
4           with all applicable provisions of chapters 30 through  
5           36 of this title;

6           “(B) survey each such educational institution  
7           and training establishment not less than once during  
8           every 2-year period; and

9           “(C) assign not fewer than 1 education compli-  
10          ance specialist to work on compliance surveys in any  
11          year for each 40 compliance surveys required to be  
12          made under this section for such year.

13          “(2) The Secretary, in consultation with the State ap-  
14          proving agencies, shall—

15                 “(A) annually determine the parameters of the  
16                 surveys required under paragraph (1); and

17                 “(B) not later than September 1 of each year,  
18                 make available to the State approving agencies a list  
19                 of the educational institutions and training estab-  
20                 lishments that will be surveyed during the fiscal year  
21                 following the date of making such list available.”;  
22                 and

23                 (2) by adding at the end the following new sub-  
24                 section:

1       “(c) In this section, the terms ‘educational institu-  
2       tion’ and ‘training establishment’ have the meanings given  
3       such terms in section 3452 of this title.”.

4       (b) CONFORMING AMENDMENTS.—Subsection (b) of  
5       such section is amended—

6           (1) by striking “subsection (a) of this section  
7       for an annual compliance survey” and inserting  
8       “subsection (a)(1) for a compliance survey”;

9           (2) by striking “institution” and inserting  
10       “educational institution or training establishment”;  
11       and

12          (3) by striking “institution’s demonstrated  
13       record of compliance” and inserting “record of com-  
14       pliance of such institution or establishment”.

15       **SEC. 412. MODIFICATION OF REDUCTIONS IN REPORTING**  
16                               **FEE MULTIPLIERS FOR PAYMENTS BY SEC-**  
17                               **RETARY OF VETERANS AFFAIRS TO EDU-**  
18                               **CATIONAL INSTITUTIONS.**

19       (a) THROUGH SEPTEMBER 25, 2017.—During the  
20       period beginning on the date of the enactment of this Act  
21       and ending on September 25, 2017, the second sentence  
22       of section 3684(c) of title 38, United States Code, shall  
23       be applied—

24           (1) by substituting “\$6” for “\$12”; and

25           (2) by substituting “\$12” for “\$15”.

1 (b) SEPTEMBER 26, 2017, THROUGH SEPTEMBER  
2 25, 2026.—During the period beginning on September 26,  
3 2017, and ending on September 25, 2026, the second sen-  
4 tence of such section shall be applied—

5 (1) by substituting “\$7” for “\$12”; and

6 (2) by substituting “\$12” for “\$15”.

7 (c) CONFORMING AMENDMENT.—Section 406 of the  
8 Department of Veterans Affairs Expiring Authorities Act  
9 of 2014 (Public Law 113–175; 38 U.S.C. 3684 note), as  
10 amended by the Department of Veterans Affairs Expiring  
11 Authorities Act of 2016, is amended by striking “During  
12 the three-year period beginning on the date of the enact-  
13 ment of this Act” and inserting “During the period begin-  
14 ning on the date of the enactment of this Act and ending  
15 on the day before the date of the enactment of the Jeff  
16 Miller and Richard Blumenthal Veterans Health Care and  
17 Benefits Improvement Act of 2016”.

18 **SEC. 413. COMPOSITION OF VETERANS’ ADVISORY COM-**  
19 **MITTEE ON EDUCATION.**

20 Section 3692(a) is amended in the second sentence  
21 by striking “veterans representative of World War II” and  
22 all that follows through the period at the end of that sen-  
23 tence and inserting the following: “a representative sample  
24 of veterans and other individuals who have used, or may

1 in the future use, educational assistance benefits adminis-  
2 tered by the Secretary.”.

3 **SEC. 414. SURVEY OF INDIVIDUALS USING THEIR ENTITLE-**  
4 **MENT TO EDUCATIONAL ASSISTANCE UNDER**  
5 **THE EDUCATIONAL ASSISTANCE PROGRAMS**  
6 **ADMINISTERED BY THE SECRETARY OF VET-**  
7 **ERANS AFFAIRS.**

8 (a) SURVEY REQUIRED.—By not later than 270 days  
9 after the date of the enactment of this Act, the Secretary  
10 of Veterans Affairs shall enter into a contract with a non-  
11 government entity for the conduct of a survey of a statis-  
12 tically valid sample of individuals who have used or are  
13 using their entitlement to educational assistance under  
14 chapters 30, 32, 33, and 35 of title 38, United States  
15 Code, to pursue a program of education or training. The  
16 contract shall provide that—

17 (1) not later than 1 month before the collection  
18 of data under the survey begins, the survey shall be  
19 submitted to the Committees on Veterans’ Affairs of  
20 the Senate and House of Representatives;

21 (2) the non-government entity shall complete  
22 the survey and submit to the Secretary the results  
23 of the survey by not later than 180 days after enter-  
24 ing into the contract; and

1           (3) the survey shall be conducted by electronic  
2 means and by any other means the non-government  
3 entity determines appropriate.

4           (b) INFORMATION TO BE COLLECTED.—The con-  
5 tract under subsection (a) shall provide that the survey  
6 shall be designed to collect the following types of informa-  
7 tion about each individual surveyed, where applicable:

8           (1) Demographic information, including the  
9 highest level of education completed by the indi-  
10 vidual, the military occupational specialty or special-  
11 ties of the individual while serving on active duty as  
12 a member of the Armed Forces or as a member of  
13 the National Guard or of a Reserve Component of  
14 the Armed Forces, and whether the individual has a  
15 service-connected disability.

16           (2) The opinion of the individual regarding par-  
17 ticipation in the transition assistance program under  
18 section 1144 of title 10, United States Code, and  
19 the effectiveness of the program, including instruc-  
20 tion on the use of the benefits under laws adminis-  
21 tered by the Secretary of Veterans Affairs.

22           (3) The resources the individual used to help  
23 the individual—

1           (A) decide to use the individual's entitle-  
2           ment to educational assistance to enroll in a  
3           program of education or training; and

4           (B) choose the program of education or  
5           training the individual pursued.

6           (4) The individual's goal when the individual  
7           enrolled in the program of education or training.

8           (5) The nature of the individual's experience  
9           with the education benefits processing system of the  
10          Department of Veterans Affairs.

11          (6) The nature of the individual's experience  
12          with the school certifying official of the educational  
13          institution where the individual pursued the program  
14          of education or training who processed the individ-  
15          ual's claim.

16          (7) Any services or benefits the educational in-  
17          stitution or program of education or training pro-  
18          vided to veterans while the individual pursued the  
19          program of education or training.

20          (8) The type of educational institution at which  
21          the individual pursued the program of education or  
22          training.

23          (9) Whether the individual completed the pro-  
24          gram of education or training or the number of cred-  
25          it hours completed by the individual as of the time

1 of the survey, and, if applicable, any degree or cer-  
2 tificate obtained by the individual for completing the  
3 program.

4 (10) The employment status of the individual  
5 and whether such employment status differs from  
6 the employment status of the individual prior to en-  
7 rolling in the program of education or training.

8 (11) Whether the individual is or was enrolled  
9 in a program of education on a full-time or part-  
10 time basis.

11 (12) The opinion of the individual on the effec-  
12 tiveness of the educational assistance program of the  
13 Department of Veterans Affairs under which the in-  
14 dividual was entitled to educational assistance.

15 (13) Whether the individual was ever entitled to  
16 a rehabilitation under chapter 31 of title 38, United  
17 States Code, and whether the individual participated  
18 in such a program.

19 (14) A description of any circumstances that  
20 prevented the individual from using the individual's  
21 entitlement to educational assistance to pursue a de-  
22 sired career path or degree.

23 (15) Whether the individual is using the indi-  
24 vidual's entitlement to educational assistance to pur-



1       sue a program of education or training or has trans-  
2       ferred such an entitlement to a dependent.

3               (16) Such other matters as the Secretary deter-  
4       mines appropriate.

5       (c) REPORT.—Not later than 90 days after receiving  
6       the results of the survey required under this section, the  
7       Secretary shall submit to the Committees on Veterans' Af-  
8       fairs of the Senate and House of Representatives a report  
9       on the results of the survey and any recommendations of  
10      the Secretary relating to such results. Such report shall  
11      also include an unedited version of the results of the sur-  
12      vey submitted by the non-government entity that con-  
13      ducted the survey.

14   **SEC. 415. DEPARTMENT OF VETERANS AFFAIRS PROVISION**  
15                   **OF INFORMATION ON ARTICULATION AGREE-**  
16                   **MENTS BETWEEN INSTITUTIONS OF HIGHER**  
17                   **LEARNING.**

18       (a) INFORMATION.—Department of Veterans Affairs  
19      counselors who provide educational or vocational coun-  
20      seling services pursuant to section 3697A of title 38,  
21      United States Code, shall provide to any eligible individual  
22      who requests such counseling services information about  
23      the articulation agreements of each institution of higher  
24      learning in which the individual is interested.

1 (b) CERTIFICATION OF ELIGIBILITY.—When the Sec-  
2 retary of Veterans Affairs provides to an individual a cer-  
3 tification of eligibility for educational assistance provided  
4 by the Department of Veterans Affairs, the Secretary shall  
5 also include detailed information on such educational as-  
6 sistance, including information on requesting education  
7 counseling services and on articulation agreements.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “institution of higher learning”  
10 has the meaning given such term in section 3452(f)  
11 of title 38, United States Code.

12 (2) The term “articulation agreement” has the  
13 meaning given such term in section 486A of the  
14 Higher Education Act of 1965 (Public Law 89–329;  
15 20 U.S.C. 1093a).

16 (d) DEADLINE FOR IMPLEMENTATION.—The Sec-  
17 retary of Veterans Affairs shall implement this section not  
18 later than 90 days after the date of the enactment of this  
19 Act.

20 **SEC. 416. RETENTION OF ENTITLEMENT TO EDUCATIONAL**  
21 **ASSISTANCE DURING CERTAIN ADDITIONAL**  
22 **PERIODS OF ACTIVE DUTY.**

23 (a) EDUCATIONAL ASSISTANCE ALLOWANCE.—Sec-  
24 tion 16131(e)(3)(B)(i) of title 10, United States Code, is

1 amended by striking “or 12304” and inserting “12304,  
2 12304a, or 12304b”.

3 (b) EXPIRATION DATE.—Section 16133(b)(4) of  
4 such title is amended by striking “or 12304” and inserting  
5 “12304, 12304a, or 12304b”.

6 **SEC. 417. TECHNICAL AMENDMENT RELATING TO IN-STATE**  
7 **TUITION RATE FOR INDIVIDUALS TO WHOM**  
8 **ENTITLEMENT IS TRANSFERRED UNDER ALL-**  
9 **VOLUNTEER FORCE EDUCATIONAL ASSIST-**  
10 **ANCE PROGRAM AND POST-9/11 EDU-**  
11 **CATIONAL ASSISTANCE.**

12 (a) TECHNICAL AMENDMENT.—Subparagraph (B) of  
13 section 3679(c)(2) is amended to read as follows:

14 “(B) An individual who is entitled to as-  
15 sistance under—

16 “(i) section 3311(b)(9) of this title; or

17 “(ii) section 3319 of this title by vir-  
18 tue of the individual’s relationship to—

19 “(I) a veteran described in sub-  
20 paragraph (A); or

21 “(II) a member of the uniformed  
22 services described in section 3319(b)  
23 of this title who is serving on active  
24 duty.”.

1 (b) APPLICABILITY.—The amendment made by sub-  
2 section (a) shall apply with respect to a course, semester,  
3 or term that begins after July 1, 2017.

4 **SEC. 418. STUDY ON THE EFFECTIVENESS OF VETERANS**  
5 **TRANSITION EFFORTS.**

6 (a) STUDY.—The Secretary of Veterans Affairs, in  
7 coordination with the Secretary of Labor and the Sec-  
8 retary of Defense, shall carry out a study to evaluate pro-  
9 grams to assist veterans of the Armed Forces in their  
10 transition to civilian life. Such study shall be designed to  
11 determine the effectiveness of current programs, especially  
12 in regards to the unique challenges faced by women vet-  
13 erans, veterans with disabilities, Native American veterans  
14 (including Alaska Native veterans and Native Hawaiian  
15 veterans), veterans who are residents of a territory of the  
16 United States, veterans who are part of the indigenous  
17 population of a territory of the United States, and other  
18 groups of minority veterans identified by the Secretaries,  
19 including whether such programs—

20 (1) effectively address the challenges veterans  
21 face in pursuing higher education, especially the  
22 challenges faced by such groups of minority vet-  
23 erans;

24 (2) effectively address the challenges such vet-  
25 erans face entering the civilian workforce and in

1 translating experience and skills from military serv-  
2 ice to the job market; and

3 (3) effectively address the challenges faced by  
4 the families of such veterans transitioning to civilian  
5 life.

6 (b) REPORT.—Not later than 540 days after the date  
7 of the enactment of this Act, the Secretary of Veterans  
8 Affairs shall submit to the Committees on Veterans’ Af-  
9 fairs of the Senate and House of Representatives a report  
10 regarding the findings and recommendations of the study  
11 required under subsection (a).

12 (c) PROHIBITION ON AUTHORIZATION OF APPRO-  
13 PRIATIONS.—No additional funds are authorized to carry  
14 out the requirements of this section. Such requirements  
15 shall be carried out using amounts otherwise authorized.

## 16 **TITLE V—SMALL BUSINESS AND** 17 **EMPLOYMENT MATTERS**

### 18 **SEC. 501. MODIFICATION OF TREATMENT UNDER CON-** 19 **TRACTING GOALS AND PREFERENCES OF DE-** 20 **PARTMENT OF VETERANS AFFAIRS.**

21 (a) IN GENERAL.—Subsection (h) of section 8127 is  
22 amended—

23 (1) in paragraph (3), by striking “rated as”  
24 and all that follows through “disability.” and insert-  
25 ing a period; and

1           (2) in paragraph (2), by amending subpara-  
2           graph (C) to read as follows:

3           “(C) The date that—

4                   “(i) in the case of a surviving spouse of a  
5           veteran with a service-connected disability rated  
6           as 100 percent disabling or who dies as a result  
7           of a service-connected disability, is 10 years  
8           after the date of the veteran’s death; or

9                   “(ii) in the case of a surviving spouse of a  
10           veteran with a service-connected disability rated  
11           as less than 100 percent disabling who does not  
12           die as a result of a service-connected disability,  
13           is 3 years after the date of the veteran’s  
14           death.”.

15           (b) EFFECTIVE DATE.—The amendments made by  
16           subsection (a) shall take effect on the date that is 180  
17           days after the date of the enactment of this Act and shall  
18           apply with respect to contracts awarded on or after such  
19           date.

20           **SEC. 502. LONGITUDINAL STUDY OF JOB COUNSELING,**  
21                           **TRAINING, AND PLACEMENT SERVICE FOR**  
22                           **VETERANS.**

23           (a) IN GENERAL.—Chapter 41 is amended by adding  
24           at the end the following new section:

1 **“§ 4115. Longitudinal study of job counseling, train-**  
2 **ing, and placement service for veterans**

3 “(a) STUDY REQUIRED.—(1) The Secretary shall  
4 enter into a contract with a non-government entity to con-  
5 duct a longitudinal study of a statistically valid sample  
6 of each of the groups of individuals described in paragraph  
7 (2). The contract shall provide for the study of each such  
8 group over a period of at least 5 years.

9 “(2) The groups of individuals described in this para-  
10 graph are the following:

11 “(A) Veterans who have received intensive serv-  
12 ices.

13 “(B) Veterans who did not receive intensive  
14 services but who otherwise received services under  
15 this chapter.

16 “(C) Veterans who did not seek or receive serv-  
17 ices under this chapter.

18 “(3) The study required by this subsection shall in-  
19 clude the collection of the following information for each  
20 individual who participates in the study:

21 “(A) The average number of months such indi-  
22 vidual served on active duty.

23 “(B) The disability ratings of such individual.

24 “(C) Any unemployment benefits received by  
25 such individual.

1           “(D) The average number of months such indi-  
2           vidual was employed during the year covered by the  
3           report.

4           “(E) The average annual starting and ending  
5           salaries of any such individual who was employed  
6           during the year covered by the report.

7           “(F) The average annual income of such indi-  
8           vidual.

9           “(G) The average total household income of  
10          such individual for the year covered by the report.

11          “(H) The percentage of such individuals who  
12          own their principal residences.

13          “(I) The employment status of such individual.

14          “(J) In the case of such an individual who re-  
15          ceived services under this chapter, whether the indi-  
16          vidual believes that any service provided by a dis-  
17          abled veterans’ outreach program specialist or local  
18          veterans’ employment representative helped the indi-  
19          vidual to become employed.

20          “(K) In the case of such an individual who be-  
21          lieves such a service helped the individual to become  
22          employed, whether—

23                  “(i) the individual retained the position of  
24                  employment for a period of 1 year or longer;  
25                  and



1           “(ii) the individual believes such a service  
2           helped the individual to secure a higher wage or  
3           salary.

4           “(L) The conditions under which such indi-  
5           vidual was discharged or released from the Armed  
6           Forces.

7           “(M) Whether such individual has used any  
8           educational assistance to which the individual is en-  
9           titled under this title.

10          “(N) Whether such individual has participated  
11          in a rehabilitation program under chapter 31 of this  
12          title.

13          “(O) Whether such individual had contact with  
14          a One-Stop Career Center employee while attending  
15          a workshop or job fair under the Transition GPS  
16          Program of the Department of Defense.

17          “(P) Demographic information about such indi-  
18          vidual.

19          “(Q) Such other information as the Secretary  
20          determines appropriate.

21          “(b) ANNUAL REPORT.—(1) By not later than July  
22          1 of each year covered by the study required under sub-  
23          section (a), the Secretary shall submit to the Committee  
24          on Veterans’ Affairs of the Senate and the Committee on

1 Veterans' Affairs of the House of Representatives a report  
2 on the outcomes of the study during the preceding year.

3       “(2) The Secretary shall include in each report sub-  
4 mitted under paragraph (1) the following:

5           “(A) Information with respect to job fairs at-  
6 tended by One-Stop Career Center employees at  
7 which the employees had contact with a veteran, in-  
8 cluding, for the year preceding the year in which the  
9 report is submitted, the following:

10           “(i) The number of job fairs attended by  
11 One-Stop Career Center employees at which the  
12 employees had contact with a veteran.

13           “(ii) The number of veterans contacted at  
14 each such job fair.

15           “(B) Such information as the Secretary deter-  
16 mines is necessary to determine the long-term out-  
17 comes of the individuals in the groups described in  
18 subsection (a)(2).”.

19       (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by adding  
21 at the end the following new item:

“4115. Longitudinal study of job counseling, training, and placement service for  
veterans.”.

1 **SEC. 503. LIMITATION ON ADMINISTRATIVE LEAVE FOR EM-**  
2 **PLOYEES OF DEPARTMENT OF VETERANS AF-**  
3 **FAIRS.**

4 (a) LIMITATION.—

5 (1) IN GENERAL.—Chapter 7 is amended by in-  
6 sserting after section 715 the following new section:

7 **“§ 717. Limitation on administrative leave**

8 “(a) IN GENERAL.—Except as provided in subsection  
9 (b), the Secretary may not place any covered individual  
10 on administrative leave, or any other type of paid non-  
11 duty status without charge to leave, for more than a total  
12 of 14 days during any 365-day period.

13 “(b) WAIVER.—The Secretary may waive the limita-  
14 tion under subsection (a) and extend the administrative  
15 leave or other paid non-duty status without charge to leave  
16 of a covered individual placed on such leave or status  
17 under subsection (a) if the Secretary submits to the Com-  
18 mittees on Veterans’ Affairs of the Senate and House of  
19 Representatives a detailed explanation of the reasons the  
20 individual was placed on administrative leave or other paid  
21 non-duty status without charge to leave and the reasons  
22 for the extension of such leave or status. Such explanation  
23 shall include the job title and grade of the covered indi-  
24 vidual and the location where the individual is employed.

1       “(c) COVERED INDIVIDUAL.—In this section, the  
2 term ‘covered individual’ means an employee of the De-  
3 partment—

4               “(1) who is subject to an investigation for pur-  
5 poses of determining whether such individual should  
6 be subject to any disciplinary action under this title  
7 or title 5; or

8               “(2) against whom any disciplinary action is  
9 proposed or initiated under this title or title 5.”.

10              (2) CLERICAL AMENDMENT.—The table of sec-  
11 tions at the beginning of such chapter is amended  
12 by inserting after the item relating to section 715  
13 the following new item:

“717. Limitation on administrative leave.”.

14              (b) APPLICATION.—Section 717 of title 38, United  
15 States Code, as added by subsection (a)(1), shall apply  
16 with respect to any 365-day period beginning on or after  
17 the date of enactment of this Act.

18 **SEC. 504. REQUIRED COORDINATION BETWEEN DIRECTORS**  
19 **FOR VETERANS’ EMPLOYMENT AND TRAIN-**  
20 **ING WITH STATE DEPARTMENTS OF LABOR**  
21 **AND VETERANS AFFAIRS.**

22              (a) IN GENERAL.—Section 4103 is amended by add-  
23 ing at the end the following new subsection:

24               “(c) COORDINATION WITH STATE DEPARTMENTS OF  
25 LABOR AND VETERANS AFFAIRS.—Each Director for Vet-

1 erans' Employment and Training for a State shall coordi-  
 2 nate the Director's activities under this chapter with the  
 3 State department of labor and the State department of  
 4 veterans affairs.”.

5 (b) EFFECTIVE DATE.—Subsection (c) of such sec-  
 6 tion, as added by subsection (a), shall take effect on the  
 7 date that is 1 year after the date of the enactment of this  
 8 Act.

9 **TITLE VI—HEALTH CARE**  
 10 **MATTERS**

11 **Subtitle A—Medical Care**

12 **SEC. 601. REQUIREMENT FOR ADVANCE APPROPRIATIONS**  
 13 **FOR THE MEDICAL COMMUNITY CARE AC-**  
 14 **COUNT OF THE DEPARTMENT OF VETERANS**  
 15 **AFFAIRS.**

16 (a) IN GENERAL.—Section 117(c) is amended by  
 17 adding at the end the following new paragraph:

18 “(7) Veterans Health Administration, Medical  
 19 Community Care.”.

20 (b) CONFORMING AMENDMENT.—Section  
 21 1105(a)(37) of title 31, United States Code, is amended  
 22 by adding at the end the following new subparagraph:

23 “(G) Veterans Health Administration,  
 24 Medical Community Care.”.

1 (c) APPLICABILITY.—The amendments made by this  
2 section shall apply to fiscal years beginning on and after  
3 October 1, 2017.

4 **SEC. 602. IMPROVED ACCESS TO APPROPRIATE IMMUNIZA-**  
5 **TIONS FOR VETERANS.**

6 (a) INCLUSION OF RECOMMENDED ADULT IMMUNI-  
7 ZATIONS AS MEDICAL SERVICES.—

8 (1) COVERED BENEFIT.—Subparagraph (F) of  
9 section 1701(9) is amended to read as follows:

10 “(F) immunizations against infectious dis-  
11 eases, including each immunization on the rec-  
12 ommended adult immunization schedule at the  
13 time such immunization is indicated on that  
14 schedule;”.

15 (2) RECOMMENDED ADULT IMMUNIZATION  
16 SCHEDULE DEFINED.—Section 1701 is amended by  
17 adding at the end the following new paragraph:

18 “(10) The term ‘recommended adult immuniza-  
19 tion schedule’ means the schedule established (and  
20 periodically reviewed and, as appropriate, revised) by  
21 the Advisory Committee on Immunization Practices  
22 established by the Secretary of Health and Human  
23 Services and delegated to the Centers for Disease  
24 Control and Prevention.”.

1 (b) INCLUSION OF RECOMMENDED ADULT IMMUNI-  
2 ZATIONS IN ANNUAL REPORT.—Section 1704(1)(A) is  
3 amended—

4 (1) in clause (i), by striking “and” at the end;

5 (2) in clause (ii), by striking the period at the  
6 end and inserting “; and”; and

7 (3) by inserting after clause (ii) the following  
8 new clause:

9 “(iii) to provide veterans each immu-  
10 nization on the recommended adult immu-  
11 nization schedule at the time such immuni-  
12 zation is indicated on that schedule.”.

13 (c) REPORT TO CONGRESS.—

14 (1) IN GENERAL.—Not later than 2 years after  
15 the date of the enactment of this Act, the Secretary  
16 of Veterans Affairs shall submit to the Committee  
17 on Veterans’ Affairs of the Senate and the Com-  
18 mittee on Veterans’ Affairs of the House of Rep-  
19 resentatives a report on the development and imple-  
20 mentation by the Department of Veterans Affairs of  
21 quality measures and metrics, including targets for  
22 compliance, to ensure that veterans receiving med-  
23 ical services under chapter 17 of title 38, United  
24 States Code, receive each immunization on the rec-

1       ommended adult immunization schedule at the time  
2       such immunization is indicated on that schedule.

3           (2) RECOMMENDED ADULT IMMUNIZATION  
4       SCHEDULE DEFINED.—In this subsection, the term  
5       “recommended adult immunization schedule” has  
6       the meaning given that term in section 1701(10) of  
7       title 38, United States Code, as added by subsection  
8       (a)(2).

9       (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
10      tion or the amendments made by this section may be con-  
11      strued to require a veteran to receive an immunization  
12      that the veteran does not want to receive.

13   **SEC. 603. PRIORITY OF MEDAL OF HONOR RECIPIENTS IN**  
14                   **HEALTH CARE SYSTEM OF DEPARTMENT OF**  
15                   **VETERANS AFFAIRS.**

16      (a) ENROLLMENT PRIORITY.—

17           (1) IN GENERAL.—Section 1705(a) is amend-  
18      ed—

19           (A) in paragraph (1), by striking the pe-  
20      riod at the end and inserting the following:  
21      “and veterans who were awarded the medal of  
22      honor under section 3741, 6241, or 8741 of  
23      title 10 or section 491 of title 14.”; and

24           (B) in paragraph (3), by striking “veterans  
25      who were awarded the medal of honor under



1 section 3741, 6241, or 8741 of title 10 or sec-  
2 tion 491 of title 14.”.

3 (2) APPLICATION.—The priority of enrollment  
4 of medal of honor recipients in the system of annual  
5 patient enrollment established and operated under  
6 section 1705(a) of such title, as amended by para-  
7 graph (1), shall apply to each such recipient, regard-  
8 less of the date on which the medal is awarded.

9 (b) ELIGIBILITY.—Section 1710(a)(2)(D) is amended  
10 by inserting after “war” the following: “, who was award-  
11 ed the medal of honor under section 3741, 6241, or 8741  
12 of title 10 or section 491 of title 14.”.

13 (c) EXTENDED CARE SERVICES.—Section  
14 1710B(e)(2) is amended—

15 (1) in subparagraph (B), by striking “or”;

16 (2) in subparagraph (C), by striking the period  
17 at the end and inserting “; or”; and

18 (3) by adding at the end the following new sub-  
19 paragraph:

20 “(D) to a veteran who was awarded the medal  
21 of honor under section 3741, 6241, or 8741 of title  
22 10 or section 491 of title 14.”.

23 (d) COPAYMENT FOR MEDICATIONS.—Section  
24 1722A(a)(3) is amended—

25 (1) in subparagraph (B), by striking “or”;

1           (2) in subparagraph (C), by striking the period  
2           at the end and inserting “; or”; and

3           (3) by adding at the end the following new sub-  
4           paragraph:

5           “(D) to a veteran who was awarded the medal  
6           of honor under section 3741, 6241, or 8741 of title  
7           10 or section 491 of title 14.”.

8 **SEC. 604. REQUIREMENT THAT DEPARTMENT OF VET-**  
9                           **ERANS AFFAIRS COLLECT HEALTH-PLAN**  
10                           **CONTRACT INFORMATION FROM VETERANS.**

11           (a) IN GENERAL.—Subchapter I of chapter 17 is  
12           amended by inserting after section 1705 the following new  
13           section:

14 **“§ 1705A. Management of health care: information re-**  
15                           **garding health-plan contracts**

16           “(a) IN GENERAL.—(1) Any individual who seeks  
17           hospital care or medical services under this chapter shall  
18           provide to the Secretary such current information as the  
19           Secretary may require to identify any health-plan contract  
20           under which such individual is covered.

21           “(2) The information required to be provided to the  
22           Secretary under paragraph (1) with respect to a health-  
23           plan contract shall include, as applicable, the following:

24                   “(A) The name of the entity providing coverage  
25                   under the health-plan contract.

1           “(B) If coverage under the health-plan contract  
2           is in the name of an individual other than the indi-  
3           vidual required to provide information under this  
4           section, the name of the policy holder of the health-  
5           plan contract.

6           “(C) The identification number for the health-  
7           plan contract.

8           “(D) The group code for the health-plan con-  
9           tract.

10          “(b) ACTION TO COLLECT INFORMATION.—The Sec-  
11         retary may take such action as the Secretary considers  
12         appropriate to collect the information required under sub-  
13         section (a).

14          “(c) EFFECT ON SERVICES FROM DEPARTMENT.—  
15         The Secretary may not deny any services under this chap-  
16         ter to an individual solely due to the fact that the indi-  
17         vidual fails to provide information required under sub-  
18         section (a).

19          “(d) HEALTH-PLAN CONTRACT DEFINED.—In this  
20         section, the term ‘health-plan contract’ has the meaning  
21         given that term in section 1725(f) of this title.”.

22          (b) CLERICAL AMENDMENT.—The table of sections  
23         at the beginning of chapter 17 is amended by inserting  
24         after the item relating to section 1705 the following new  
25         item:

“1705A. Management of health care: information regarding health-plan contracts.”.

1 **SEC. 605. MENTAL HEALTH TREATMENT FOR VETERANS**  
2 **WHO SERVED IN CLASSIFIED MISSIONS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that veterans who experience combat-related mental  
5 health wounds should have immediate, appropriate, and  
6 consistent access to comprehensive mental health care.

7 (b) IN GENERAL.—Subchapter II of chapter 17 is  
8 amended by adding at the end the following new section:

9 **“§ 1720H. Mental health treatment for veterans who**  
10 **served in classified missions**

11 “(a) ESTABLISHMENT OF STANDARDS.—(1) The  
12 Secretary shall establish standards and procedures to en-  
13 sure that each eligible veteran may access mental health  
14 care furnished by the Secretary in a manner that fully  
15 accommodates the obligation of the veteran to not improv-  
16 erly disclose classified information.

17 “(2) In establishing standards and procedures under  
18 paragraph (1), the Secretary shall consult with the Sec-  
19 retary of Defense to ensure that such standards and pro-  
20 cedures are consistent with the policies on classified infor-  
21 mation of the Department of Defense.

22 “(3) The Secretary shall disseminate guidance to em-  
23 ployees of the Veterans Health Administration, including  
24 mental health professionals, on the standards and proce-

1 dures established under paragraph (1) and how to best  
2 engage eligible veterans during the course of mental health  
3 treatment with respect to classified information.

4 “(b) IDENTIFICATION.—In carrying out this section,  
5 the Secretary shall ensure that a veteran may elect to  
6 identify as an eligible veteran on an appropriate form.

7 “(c) DEFINITIONS.—In this section:

8 “(1) The term ‘classified information’ means  
9 any information or material that has been deter-  
10 mined by an official of the United States pursuant  
11 to law to require protection against unauthorized  
12 disclosure for reasons of national security.

13 “(2) The term ‘eligible veteran’ means a vet-  
14 eran who—

15 “(A) is eligible to receive health care fur-  
16 nished by the Department under this title;

17 “(B) is seeking mental health treatment;  
18 and

19 “(C) in the course of serving in the Armed  
20 Forces, participated in a sensitive mission or  
21 served in a sensitive unit.

22 “(3) The term ‘sensitive mission’ means a mis-  
23 sion of the Armed Forces that, at the time at which  
24 an eligible veteran seeks treatment, is classified.

1           “(4) The term ‘sensitive unit’ has the meaning  
2           given that term in section 130b(c)(4) of title 10.”.

3           (c) CLERICAL AMENDMENT.—The table of sections  
4           at the beginning of such chapter is amended by inserting  
5           after the item relating to section 1720G the following new  
6           item:

          “1720H. Mental health treatment for veterans who served in classified mis-  
          sions.”.

7   **SEC. 606. EXAMINATION AND TREATMENT BY DEPARTMENT**  
8                   **OF VETERANS AFFAIRS FOR EMERGENCY**  
9                   **MEDICAL CONDITIONS AND WOMEN IN**  
10                  **LABOR.**

11           (a) IN GENERAL.—Subchapter VIII of chapter 17 is  
12           amended by inserting after section 1784 the following new  
13           section:

14   **“§ 1784A. Examination and treatment for emergency**  
15                   **medical conditions and women in labor**

16           “(a) IN GENERAL.—In the case of a hospital of the  
17           Department that has an emergency department, if any in-  
18           dividual comes to the hospital or the campus of the hos-  
19           pital and a request is made on behalf of the individual  
20           for examination or treatment for a medical condition, the  
21           hospital must provide for an appropriate medical screen-  
22           ing examination within the capability of the emergency de-  
23           partment, including ancillary services routinely available

1 to the emergency department, to determine whether or not  
2 an emergency medical condition exists.

3 “(b) NECESSARY STABILIZING TREATMENT FOR  
4 EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If  
5 any individual comes to a hospital of the Department that  
6 has an emergency department or the campus of such a  
7 hospital and the hospital determines that the individual  
8 has an emergency medical condition, the hospital must  
9 provide either—

10 “(A) within the staff and facilities available at  
11 the hospital, for such further medical examination  
12 and such treatment as may be required to stabilize  
13 the medical condition; or

14 “(B) for transfer of the individual to another  
15 medical facility in accordance with subsection (c).

16 “(2) A hospital is deemed to meet the requirement  
17 of paragraph (1)(A) with respect to an individual if the  
18 hospital offers the individual the further medical examina-  
19 tion and treatment described in that paragraph and in-  
20 forms the individual (or a person acting on behalf of the  
21 individual) of the risks and benefits to the individual of  
22 such examination and treatment, but the individual (or a  
23 person acting on behalf of the individual) refuses to con-  
24 sent to the examination and treatment. The hospital shall  
25 take all reasonable steps to secure the written informed

1 consent of the individual (or person) to refuse such exam-  
2 ination and treatment.

3       “(3) A hospital is deemed to meet the requirement  
4 of paragraph (1)(B) with respect to an individual if the  
5 hospital offers to transfer the individual to another med-  
6 ical facility in accordance with subsection (c) and informs  
7 the individual (or a person acting on behalf of the indi-  
8 vidual) of the risks and benefits to the individual of such  
9 transfer, but the individual (or a person acting on behalf  
10 of the individual) refuses to consent to the transfer. The  
11 hospital shall take all reasonable steps to secure the writ-  
12 ten informed consent of the individual (or person) to  
13 refuse such transfer.

14       “(c) RESTRICTING TRANSFERS UNTIL INDIVIDUAL  
15 STABILIZED.—(1) If an individual at a hospital of the De-  
16 partment has an emergency medical condition that has not  
17 been stabilized, the hospital may not transfer the indi-  
18 vidual unless—

19               “(A)(i) the individual (or a legally responsible  
20 person acting on behalf of the individual), after  
21 being informed of the obligations of the hospital  
22 under this section and of the risk of transfer, re-  
23 quests, in writing, transfer to another medical facil-  
24 ity;



1           “(ii) a physician of the Department has signed  
2           a certification that, based upon the information  
3           available at the time of transfer, the medical benefits  
4           reasonably expected from the provision of appro-  
5           priate medical treatment at another medical facility  
6           outweigh the increased risks to the individual and,  
7           in the case of labor, to the unborn child from effect-  
8           ing the transfer; or

9           “(iii) if a physician of the Department is not  
10          physically present in the emergency department at  
11          the time an individual is transferred, a qualified  
12          medical person (as defined by the Secretary for pur-  
13          poses of this section) has signed a certification de-  
14          scribed in clause (ii) after a physician of the Depart-  
15          ment, in consultation with the person, has made the  
16          determination described in such clause, and subse-  
17          quently countersigns the certification; and

18          “(B) the transfer is an appropriate transfer to  
19          that facility.

20          “(2) A certification described in clause (ii) or (iii) of  
21          paragraph (1)(A) shall include a summary of the risks and  
22          benefits upon which the certification is based.

23          “(3) For purposes of paragraph (1)(B), an appro-  
24          priate transfer to a medical facility is a transfer—

1           “(A) in which the transferring hospital provides  
2           the medical treatment within its capacity that mini-  
3           mizes the risks to the health of the individual and,  
4           in the case of a woman in labor, the health of the  
5           unborn child;

6           “(B) in which the receiving facility—

7                 “(i) has available space and qualified per-  
8                 sonnel for the treatment of the individual; and

9                 “(ii) has agreed to accept transfer of the  
10                individual and to provide appropriate medical  
11                treatment;

12           “(C) in which the transferring hospital sends to  
13           the receiving facility all medical records (or copies  
14           thereof) available at the time of the transfer relating  
15           to the emergency medical condition for which the in-  
16           dividual has presented, including—

17                 “(i) observations of signs or symptoms;

18                 “(ii) preliminary diagnosis;

19                 “(iii) treatment provided;

20                 “(iv) the results of any tests; and

21                 “(v) the informed written request or cer-  
22                 tification (or copy thereof) provided under para-  
23                 graph (1)(A);

24           “(D) in which the transfer is effected through  
25           qualified personnel and transportation equipment,

1 including the use of necessary and medically appro-  
2 priate life support measures during the transfer; and

3 “(E) that meets such other requirements as the  
4 Secretary considers necessary in the interest of the  
5 health and safety of the individual or individuals  
6 transferred.

7 “(d) PAYMENT TO THE DEPARTMENT.—The Sec-  
8 retary shall charge for any care or services provided under  
9 this section in accordance with billing and reimbursement  
10 authorities available to the Secretary under other provi-  
11 sions of law.

12 “(e) DEFINITIONS.—In this section:

13 “(1) The term ‘campus’ means, with respect to  
14 a hospital of the Department—

15 “(A) the physical area immediately adja-  
16 cent to the main buildings of the hospital;

17 “(B) other areas and structures that are  
18 not strictly contiguous to the main buildings  
19 but are located not more than 250 yards from  
20 the main buildings; and

21 “(C) any other areas determined by the  
22 Secretary to be part of the campus of the hos-  
23 pital.

24 “(2) The term ‘emergency medical condition’  
25 means—

1           “(A) a medical condition manifesting itself  
2           by acute symptoms of sufficient severity (in-  
3           cluding severe pain) such that the absence of  
4           immediate medical attention could reasonably  
5           be expected to result in—

6                   “(i) placing the health of the indi-  
7                   vidual (or, with respect to a pregnant  
8                   woman, the health of the woman or her  
9                   unborn child) in serious jeopardy;

10                   “(ii) serious impairment to bodily  
11                   functions; or

12                   “(iii) serious dysfunction of any bodily  
13                   organ or part; or

14           “(B) in the case of a pregnant woman, a  
15           stage of labor that a medical provider deter-  
16           mines indicates—

17                   “(i) that there is inadequate time to  
18                   effect a safe transfer to another hospital  
19                   before delivery; or

20                   “(ii) that transfer may pose a threat  
21                   to the health or safety of the woman or the  
22                   unborn child.

23           “(3)(A) The term ‘to stabilize’ means—

24                   “(i) with respect to an emergency medical  
25                   condition described in paragraph (2)(A), to pro-

1           vide such medical treatment of the condition as  
2           may be necessary to assure, within reasonable  
3           medical probability, that no material deteriora-  
4           tion of the condition is likely to result from or  
5           occur during the transfer of the individual from  
6           a facility; or

7           “(ii) with respect to an emergency medical  
8           condition described in paragraph (2)(B), to de-  
9           liver (including the placenta).

10          “(B) The term ‘stabilized’ means—

11           “(i) with respect to an emergency medical  
12           condition described in paragraph (2)(A), that  
13           no material deterioration of the condition is  
14           likely, within reasonable medical probability, to  
15           result from or occur during the transfer of the  
16           individual from a facility; or

17           “(ii) with respect to an emergency medical  
18           condition described in paragraph (2)(B), that  
19           the woman has delivered (including the pla-  
20           centa).

21          “(4) The term ‘transfer’ means the movement  
22          (including the discharge) of an individual outside the  
23          facilities of a hospital of the Department at the di-  
24          rection of any person employed by (or affiliated or  
25          associated, directly or indirectly, with) the hospital,

1 but does not include such a movement of an indi-  
2 vidual who—

3 “(A) has been declared dead; or

4 “(B) leaves the facility without the permis-  
5 sion of any such person.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 17 is amended by inserting  
8 after the item relating to section 1784 the following new  
9 item:

“1784A. Examination and treatment for emergency medical conditions and  
women in labor.”.

## 10 **Subtitle B—Veterans Health** 11 **Administration**

### 12 **SEC. 611. TIME PERIOD COVERED BY ANNUAL REPORT ON** 13 **READJUSTMENT COUNSELING SERVICE.**

14 Section 7309(e)(1) is amended by striking “calendar  
15 year” and inserting “fiscal year”.

### 16 **SEC. 612. ANNUAL REPORT ON VETERANS HEALTH ADMIN-** 17 **ISTRATION AND FURNISHING OF HOSPITAL** 18 **CARE, MEDICAL SERVICES, AND NURSING** 19 **HOME CARE.**

20 (a) IN GENERAL.—Subchapter II of chapter 73 is  
21 amended by adding at the end the following new section:

1 **“§ 7330B. Annual report on Veterans Health Adminis-**  
2 **tration and furnishing of hospital care,**  
3 **medical services, and nursing home care**

4 “(a) REPORT REQUIRED.—Not later than March 1  
5 of each of years 2018 through 2022, the Secretary shall  
6 submit to the Committee on Veterans’ Affairs of the Sen-  
7 ate and the Committee on Veterans’ Affairs of the House  
8 of Representatives a report on, for the calendar year pre-  
9 ceding the calendar year during which the report is sub-  
10 mitted—

11 “(1) the furnishing of hospital care, medical  
12 services, and nursing home care under the laws ad-  
13 ministered by the Secretary; and

14 “(2) the administration of the furnishing of  
15 such care and services by the Veterans Health Ad-  
16 ministration.

17 “(b) ELEMENTS.—Each report required by sub-  
18 section (a) shall include each of the following for the year  
19 covered by the report:

20 “(1) An evaluation of the effectiveness of the  
21 Veterans Health Administration in increasing the  
22 access of veterans to hospital care, medical services,  
23 and nursing home care furnished by the Secretary  
24 for which such veterans are eligible.

25 “(2) An evaluation of the effectiveness of the  
26 Veterans Health Administration in improving the

1 quality of health care provided to veterans, without  
2 increasing the costs incurred for such health care by  
3 the Federal Government or veterans, including rel-  
4 evant information for each medical center and Vet-  
5 erans Integrated Service Network of the Department  
6 set forth separately.

7 “(3) An assessment of—

8 “(A) the workload of physicians and other  
9 employees of the Veterans Health Administra-  
10 tion;

11 “(B) patient demographics and utilization  
12 rates;

13 “(C) physician compensation;

14 “(D) the productivity of physicians and  
15 other employees of the Veterans Health Admin-  
16 istration;

17 “(E) the percentage of hospital care, med-  
18 ical services, and nursing home care provided to  
19 veterans in facilities of the Department and in  
20 non-Department facilities and any changes in  
21 such percentages compared to the year pre-  
22 ceding the year covered by the report;

23 “(F) pharmaceutical prices; and

24 “(G) third-party health billings owed to the  
25 Department, including the total amount of such



1 billings and the total amount collected by the  
 2 Department, set forth separately for claims  
 3 greater than \$1,000 and for claims equal to or  
 4 less than \$1,000.

5 “(c) DEFINITIONS.—In this section, the terms ‘hos-  
 6 pital care’, ‘medical services’, ‘nursing home care’, ‘facili-  
 7 ties of the Department’, and ‘non-Department facilities’  
 8 have the meanings given those terms in section 1701 of  
 9 this title.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
 11 at the beginning of chapter 73 is amended by inserting  
 12 after the item relating to section 7330A the following new  
 13 item:

“7330B. Annual report on Veterans Health Administration and furnishing of  
 hospital care, medical services, and nursing home care.”.

14 **SEC. 613. EXPANSION OF QUALIFICATIONS FOR LICENSED**  
 15 **MENTAL HEALTH COUNSELORS OF THE DE-**  
 16 **PARTMENT OF VETERANS AFFAIRS TO IN-**  
 17 **CLUDE DOCTORAL DEGREES.**

18 Section 7402(b)(11)(A) is amended by inserting “or  
 19 doctoral degree” after “master’s degree”.

20 **SEC. 614. MODIFICATION OF HOURS OF EMPLOYMENT FOR**  
 21 **PHYSICIANS EMPLOYED BY THE DEPART-**  
 22 **MENT OF VETERANS AFFAIRS.**

23 Section 7423(a) of title 38, United States Code, is  
 24 amended—

1           (1) by striking “(a) The hours” and inserting  
2           “(a)(1) Except as provided in paragraph (2), the  
3           hours”; and

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

6           “(2)(A) Upon the advance written request of a cov-  
7           ered physician, the Secretary may modify the hours of em-  
8           ployment for a physician appointed in the Administration  
9           under any provision of this chapter on a full-time basis  
10          to be more or less than 80 hours in a biweekly pay period,  
11          subject to the requirements in subparagraph (B). For the  
12          purpose of determining pay, such a physician shall be  
13          deemed to have a biweekly schedule of 80 hours of employ-  
14          ment.

15          “(B) A physician with an irregular work schedule es-  
16          tablished under subparagraph (A) shall be obligated to ac-  
17          count for at least 2,080 hours of employment (through  
18          performance of work or use of leave or paid time off) in  
19          a calendar year.

20          “(C) The Secretary may prescribe regulations to im-  
21          plement this paragraph, including regulations making ad-  
22          justments to address the annual hours requirement for  
23          physicians who are covered by this paragraph for only a  
24          portion of a calendar year.”.

1 **SEC. 615. REPEAL OF COMPENSATION PANELS TO DETER-**  
2 **MINE MARKET PAY FOR PHYSICIANS AND**  
3 **DENTISTS.**

4 Section 7431(c) is amended—

5 (1) by striking paragraph (4);

6 (2) by redesignating paragraphs (5), (6), and  
7 (7) as paragraphs (4), (5), and (6), respectively; and

8 (3) in paragraph (6), as so redesignated, by  
9 striking “under paragraph (6)” and inserting  
10 “under paragraph (5)”.

11 **SEC. 616. CLARIFICATION REGARDING LIABILITY FOR**  
12 **BREACH OF AGREEMENT UNDER DEPART-**  
13 **MENT OF VETERANS AFFAIRS EMPLOYEE IN-**  
14 **CENTIVE SCHOLARSHIP PROGRAM.**

15 Section 7675(b)(1)(E) is amended by striking “In the  
16 case of a participant who is a part-time student, the” and  
17 inserting “The”.

18 **SEC. 617. EXTENSION OF PERIOD FOR INCREASE IN GRAD-**  
19 **UATE MEDICAL EDUCATION RESIDENCY PO-**  
20 **SITIONS AT MEDICAL FACILITIES OF THE DE-**  
21 **PARTMENT OF VETERANS AFFAIRS.**

22 (a) IN GENERAL.—Paragraph (2) of section 301(b)  
23 of the Veterans Access, Choice, and Accountability Act of  
24 2014 (Public Law 113–146; 38 U.S.C. 7302 note) is  
25 amended—

1 (1) in the paragraph heading, by striking  
2 “FIVE-YEAR” and inserting “TEN-YEAR”; and

3 (2) in subparagraph (A), by striking “5-year  
4 period” and inserting “10-year period”.

5 (b) REPORT.—Paragraph (3)(A) of such section is  
6 amended by striking “2019” and inserting “2024”.

7 **SEC. 618. REPORT ON PUBLIC ACCESS TO RESEARCH BY**  
8 **DEPARTMENT OF VETERANS AFFAIRS.**

9 (a) IN GENERAL.—Not later than each of 180 days  
10 and 1 year after the date of the enactment of this Act,  
11 the Secretary of Veterans Affairs shall submit to the Com-  
12 mittee on Veterans’ Affairs of the Senate and the Com-  
13 mittee on Veterans’ Affairs of the House of Representa-  
14 tives a report on increasing public access to scientific pub-  
15 lications and digital data from research funded by the De-  
16 partment of Veterans Affairs.

17 (b) ELEMENTS.—Each report submitted under sub-  
18 section (a) shall include the following:

19 (1) An identification of the location or locations  
20 in which the public will be able to access the results  
21 of research funded by the Department, whether on  
22 an Internet website of the Department or through  
23 another source.

24 (2) A description of the progress made by the  
25 Department in meeting public access requirements

1 set forth in the notice entitled “Policy and Imple-  
2 mentation Plan for Public Access to Scientific Publi-  
3 cations and Digital Data from Research Funded by  
4 the Department of Veterans Affairs” (80 Fed. Reg.  
5 60751), including the following:

6 (A) Compliance of Department investiga-  
7 tors with requirements relating to ensuring that  
8 research funded by the Department is accessible  
9 by the public.

10 (B) Ensuring data management plans of  
11 the Department include provisions for long-term  
12 preservation of the scientific data resulting  
13 from research funded by the Department.

14 (3) An explanation of the factors used to evalu-  
15 ate the merit of data management plans of research  
16 funded by the Veterans Health Administration.

17 (4) An explanation of the process of the De-  
18 partment in effect that enables stakeholders to peti-  
19 tion a change to the embargo period for a specific  
20 field and the factors considered during such process.

21 **SEC. 619. AUTHORIZATION OF CERTAIN MAJOR MEDICAL**  
22 **FACILITY PROJECTS OF THE DEPARTMENT**  
23 **OF VETERANS AFFAIRS.**

24 (a) IN GENERAL.—The Secretary of Veterans Affairs  
25 may carry out the following major medical facility

1 projects, with each project to be carried out in an amount  
2 not to exceed the amount specified for that project:

3 (1) Seismic, life safety, and utilities upgrades  
4 and expansion of clinical services in Reno, Nevada,  
5 in an amount not to exceed \$213,800,000.

6 (2) Seismic corrections to the mental health  
7 and community living center in Long Beach, Cali-  
8 fornia, in an amount not to exceed \$317,300,000.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to the Secretary of Veterans  
11 Affairs for fiscal year 2017 or the year in which funds  
12 are appropriated for the Construction, Major Projects, ac-  
13 count \$531,100,000 for the projects authorized in sub-  
14 section (a).

15 (c) LIMITATION.—The projects authorized in sub-  
16 section (a) may only be carried out using—

17 (1) funds appropriated for fiscal year 2017 or  
18 the year in which funds are appropriated for the  
19 Construction, Major Projects, account pursuant to  
20 the authorization of appropriations in subsection (b);

21 (2) funds available for Construction, Major  
22 Projects, for a fiscal year before fiscal year 2017  
23 that remain available for obligation;

1           (3) funds available for Construction, Major  
2 Projects, for a fiscal year after fiscal year 2017 that  
3 remain available for obligation;

4           (4) funds appropriated for Construction, Major  
5 Projects, for fiscal year 2017 for a category of activ-  
6 ity not specific to a project;

7           (5) funds appropriated for Construction, Major  
8 Projects, for a fiscal year before fiscal year 2017 for  
9 a category of activity not specific to a project; and

10          (6) funds appropriated for Construction, Major  
11 Projects, for a fiscal year after fiscal year 2017 for  
12 a category of activity not specific to a project.

## 13           **Subtitle C—Toxic Exposure**

### 14   **SEC. 631. DEFINITIONS.**

15           In this subtitle:

16           (1) **ARMED FORCES.**—The term “Armed  
17 Forces” means the United States Army, Navy, Ma-  
18 rine Corps, Air Force, and Coast Guard.

19           (2) **DESCENDANT.**—The term “descendant”  
20 means, with respect to an individual, the biological  
21 child or grandchild of that individual.

22           (3) **TOXIC EXPOSURE.**—The term “toxic expo-  
23 sure” means a condition in which an individual in-  
24haled or ingested an agent determined to be haz-  
25ardous to the health of the individual or the agent

1 came in contact with the skin or eyes of the indi-  
2 vidual in a manner that could be hazardous to the  
3 health of the individual.

4 (4) VETERAN.—The term “veteran” has the  
5 meaning given that term in section 101 of title 38,  
6 United States Code.

7 **SEC. 632. NATIONAL ACADEMY OF MEDICINE ASSESSMENT**  
8 **ON RESEARCH RELATING TO THE DESCEND-**  
9 **ANTS OF INDIVIDUALS WITH TOXIC EXPO-**  
10 **SURE.**

11 (a) IN GENERAL.—

12 (1) AGREEMENT.—Not later than 180 days  
13 after the date of the enactment of this Act, the Sec-  
14 retary of Veterans Affairs shall seek to enter into an  
15 agreement with the National Academy of Medicine  
16 under which the National Academy of Medicine con-  
17 ducts an assessment on scientific research relating  
18 to the descendants of individuals with toxic expo-  
19 sure.

20 (2) ALTERNATE ORGANIZATION.—

21 (A) IN GENERAL.—If the Secretary is un-  
22 able within the period prescribed in paragraph  
23 (1) to enter into an agreement described in  
24 such paragraph with the National Academy of  
25 Medicine on terms acceptable to the Secretary,



1 the Secretary shall seek to enter into such an  
2 agreement with another appropriate organiza-  
3 tion that—

4 (i) is not part of the Federal Govern-  
5 ment;

6 (ii) operates as a not-for-profit entity;

7 and

8 (iii) has expertise and objectivity com-  
9 parable to that of the National Academy of  
10 Medicine.

11 (B) TREATMENT.—If the Secretary enters  
12 into an agreement with another organization as  
13 described in subparagraph (A), any reference in  
14 this section to the National Academy of Medi-  
15 cine shall be treated as a reference to the other  
16 organization.

17 (b) ELEMENTS.—The assessment conducted pursu-  
18 ant to the agreement entered into under subsection (a)  
19 shall include the following:

20 (1) A scientific review of the scientific literature  
21 regarding toxicological and epidemiological research  
22 on descendants of individuals with toxic exposure.

23 (2) An assessment of areas requiring further  
24 scientific study relating to the descendants of vet-  
25 erans with toxic exposure.

1           (3) An assessment of the scope and method-  
2           ology required to conduct adequate scientific re-  
3           search relating to the descendants of individuals  
4           with toxic exposure, including—

5                   (A) the types of individuals to be studied,  
6                   including veterans with toxic exposure and the  
7                   descendants of those veterans;

8                   (B) the number of veterans and descend-  
9                   ants described in subparagraph (A) to be stud-  
10                  ied;

11                  (C) the potential alternatives for participa-  
12                  tion in such a study, including whether it would  
13                  be necessary for participants to travel in order  
14                  to participate;

15                  (D) the approximate amount of time and  
16                  resources needed to prepare and conduct the re-  
17                  search; and

18                  (E) the appropriate Federal agencies to  
19                  participate in the research, including the De-  
20                  partment of Defense and the Department of  
21                  Veterans Affairs.

22           (4) The establishment of categories, including  
23           definitions for each such category, to be used in as-  
24           sessing the evidence that a particular health condi-  
25           tion is related to toxic exposure, such as—

1 (A) sufficient evidence of a causal relation-  
2 ship;

3 (B) sufficient evidence of an association;

4 (C) limited or suggestive evidence of an as-  
5 sociation;

6 (D) inadequate or insufficient evidence to  
7 determine whether an association exists; and

8 (E) limited or suggestive evidence of no as-  
9 sociation.

10 (5) An analysis of—

11 (A) the feasibility of conducting scientific  
12 research to address the areas that require fur-  
13 ther study as described under paragraph (2);

14 (B) the value and relevance of the informa-  
15 tion that could result from such scientific re-  
16 search; and

17 (C) for purposes of conducting further re-  
18 search, the feasibility and advisability of access-  
19 ing additional information held by a Federal  
20 agency that may be sensitive.

21 (6) An identification of a research entity or en-  
22 tities with—

23 (A) expertise in conducting research on  
24 health conditions of descendants of individuals  
25 with toxic exposure; and

1 (B) an ability to conduct research on those  
2 health conditions to address areas requiring  
3 further scientific study as described under para-  
4 graph (2).

5 (c) REPORT.—The agreement entered into under sub-  
6 section (a) shall require the National Academy of Medicine  
7 to submit, not later than 2 years after entering into such  
8 agreement, to the Secretary of Veterans Affairs, the Com-  
9 mittee on Veterans' Affairs of the Senate, and the Com-  
10 mittee on Veterans' Affairs of the House of Representa-  
11 tives—

12 (1) the results of the assessment conducted  
13 pursuant to such agreement, including such rec-  
14 ommendations as the National Academy of Medicine  
15 considers appropriate regarding the scope and meth-  
16 odology required to conduct adequate scientific re-  
17 search relating to the descendants of veterans with  
18 toxic exposure; and

19 (2) a determination regarding whether the re-  
20 sults of such assessment indicate that it is feasible  
21 to conduct further research regarding health condi-  
22 tions of descendants of veterans with toxic exposure,  
23 including an explanation of the basis for the deter-  
24 mination.

25 (d) CERTIFICATION.—

1           (1) IN GENERAL.—Not later than 90 days after  
2           receiving the results of the assessment and deter-  
3           mination under subsection (c), the Secretary shall  
4           submit to the Committee on Veterans' Affairs of the  
5           Senate and the Committee on Veterans' Affairs of  
6           the House of Representatives a certification of the  
7           understanding of the Secretary, based on such re-  
8           sults and determination, regarding the feasibility of  
9           conducting further research regarding health condi-  
10          tions of descendants of veterans with toxic exposure  
11          that is expressed by such results and determination.

12           (2) BASIS FOR CERTIFICATION.—The certifi-  
13          cation submitted under paragraph (1) shall include  
14          an explanation of the basis for the certification.

15 **SEC. 633. ADVISORY BOARD ON RESEARCH RELATING TO**  
16                                   **HEALTH CONDITIONS OF DESCENDANTS OF**  
17                                   **VETERANS WITH TOXIC EXPOSURE WHILE**  
18                                   **SERVING IN THE ARMED FORCES.**

19           (a) ESTABLISHMENT.—Unless the Secretary of Vet-  
20          erans Affairs certifies under section 632(d) that the re-  
21          sults of the assessment and determination under section  
22          632(c) indicate that it is not feasible to conduct further  
23          research regarding health conditions of descendants of vet-  
24          erans with toxic exposure, not later than 180 days after  
25          receiving such results and determination, the Secretary

1 shall establish an advisory board (in this section referred  
2 to as the “Advisory Board”) to advise the Secretary in  
3 the selection of a research entity or entities under section  
4 634, advise such entity or entities in conducting research  
5 under such section, and advise the Secretary with respect  
6 to the activities of such entity or entities under such sec-  
7 tion.

8 (b) MEMBERSHIP.—

9 (1) COMPOSITION.—The Secretary, in consulta-  
10 tion with the National Academy of Medicine, the Di-  
11 rector of the National Institute of Environmental  
12 Health Sciences, and such other heads of Federal  
13 agencies as the Secretary determines appropriate—

14 (A) shall select not more than 13 voting  
15 members of the Advisory Board, of whom—

16 (i) not less than two shall be members  
17 of organizations exempt from taxation  
18 under section 501(c)(19) of the Internal  
19 Revenue Code of 1986;

20 (ii) not less than two shall be descend-  
21 ants of veterans with toxic exposure while  
22 serving as members of the Armed Forces;  
23 and

24 (iii) not less than seven shall be  
25 health professionals, scientists, or aca-

1 demics who are not employees of the Fed-  
2 eral Government and have expertise in—

3 (I) birth defects;

4 (II) developmental disabilities;

5 (III) epigenetics;

6 (IV) public health;

7 (V) the science of environmental  
8 exposure or environmental exposure  
9 assessment;

10 (VI) the science of toxic sub-  
11 stances; or

12 (VII) medical and research eth-  
13 ics; and

14 (B) may select not more than two non-  
15 voting members who are employees of the Fed-  
16 eral Government and who are otherwise de-  
17 scribed in subparagraph (A)(iii).

18 (2) CHAIR.—The Secretary shall select a Chair  
19 from among the members of the Advisory Board se-  
20 lected under paragraph (1)(A).

21 (3) TERMS.—

22 (A) IN GENERAL.—Each member of the  
23 Advisory Board shall serve a term of 2 or 3  
24 years as determined by the Secretary.

1 (B) REAPPOINTMENT.—At the end of the  
2 term of a member of the Advisory Board, the  
3 Secretary may reselect the member for another  
4 term, except that no member may serve more  
5 than 4 consecutive terms.

6 (c) DUTIES.—The Advisory Board shall—

7 (1) advise the Secretary in the selection of a re-  
8 search entity or entities to conduct research under  
9 section 634 from among those identified under sec-  
10 tion 632(b)(6);

11 (2) advise such entity or entities and assess the  
12 activities of such entity or entities in conducting  
13 such research;

14 (3) develop a research strategy for such entity  
15 or entities based on, but not limited to, the results  
16 of the assessment conducted under section 632;

17 (4) advise the Secretary with respect to the ac-  
18 tivities of such entity or entities under section 634;

19 (5) submit recommendations to be included by  
20 such entity or entities in the report under section  
21 634(d)(2)(C); and

22 (6) not less frequently than semiannually, meet  
23 with the Secretary and representatives of such entity  
24 or entities on the research conducted by such entity  
25 or entities under section 634.



1 (d) MEETINGS.—The Advisory Board shall meet at  
2 the call of the Chair, but not less frequently than semi-  
3 annually.

4 (e) COMPENSATION.—The members of the Advisory  
5 Board shall serve without compensation.

6 (f) EXPENSES.—The Secretary of Veterans Affairs  
7 shall determine the appropriate expenses of the Advisory  
8 Board.

9 (g) PERSONNEL.—

10 (1) IN GENERAL.—The Chair may, without re-  
11 gard to the civil service laws and regulations, ap-  
12 point an executive director of the Advisory Board,  
13 who shall be a civilian employee of the Department  
14 of Veterans Affairs, and such other personnel as  
15 may be necessary to enable the Advisory Board to  
16 perform its duties.

17 (2) APPROVAL.—The appointment of an execu-  
18 tive director under paragraph (1) shall be subject to  
19 approval by the Advisory Board.

20 (3) COMPENSATION.—The Chair may fix the  
21 compensation of the executive director and other  
22 personnel without regard to the provisions of chapter  
23 51 and subchapter III of chapter 53 of title 5,  
24 United States Code, except that the rate of pay for  
25 the executive director and other personnel may not

1 exceed the rate payable for level V of the Executive  
2 Schedule under section 5316 of such title.

3 **SEC. 634. RESEARCH RELATING TO HEALTH CONDITIONS**  
4 **OF DESCENDANTS OF VETERANS WITH TOXIC**  
5 **EXPOSURE WHILE SERVING IN THE ARMED**  
6 **FORCES.**

7 (a) IN GENERAL.—Unless the Secretary of Veterans  
8 Affairs certifies under section 632(d) that the results of  
9 the assessment and determination under section 632(c) in-  
10 dicate that it is not feasible to conduct further research  
11 regarding health conditions of descendants of veterans  
12 with toxic exposure, not later than 1 year after receiving  
13 such results and determination, the Secretary shall (in  
14 consultation with the advisory board established under  
15 section 633 (in this section referred to as the “Advisory  
16 Board”)) enter into an agreement with one or more re-  
17 search entities identified under section 632(b)(6) (exclud-  
18 ing an entity of the Department of Veterans Affairs) to  
19 conduct research on health conditions of descendants of  
20 veterans with toxic exposure while serving as members of  
21 the Armed Forces (in this section referred to as the “re-  
22 search entity or entities”).

23 (b) RESEARCH.—

24 (1) IN GENERAL.—To the extent included in  
25 the research strategy developed by the Advisory

1 Board under section 633(c)(3), the research entity  
2 or entities shall conduct research on health condi-  
3 tions of descendants of veterans with toxic exposure  
4 while serving as members of the Armed Forces.

5 (2) STUDIES.—In conducting research under  
6 paragraph (1), the research entity or entities may  
7 study any veteran, at the election of the veteran,  
8 identified under section 632(b)(3)(A) as a type of in-  
9 dividual to be studied in order to conduct adequate  
10 scientific research relating to the descendants of vet-  
11 erans with toxic exposure.

12 (3) CATEGORIZATION.—In conducting research  
13 under paragraph (1), the research entity or entities  
14 shall assess, using the categories established under  
15 section 632(b)(4), the extent to which a health con-  
16 dition of a descendant of a veteran is related to the  
17 toxic exposure of the veteran while serving as a  
18 member of the Armed Forces.

19 (c) AVAILABILITY OF RECORDS.—

20 (1) IN GENERAL.—The Secretary of Defense,  
21 the Secretary of Veterans Affairs, and the head of  
22 each Federal agency identified under section  
23 632(b)(3)(E) shall make available to the research  
24 entity or entities records held by the Department of  
25 Veterans Affairs, the Department of Defense, the

1 Armed Forces, that Federal agency, or any other  
2 source under the jurisdiction of any such Federal  
3 agency or the Armed Forces, as appropriate, that  
4 the research entity or entities determine are nec-  
5 essary to carry out this section.

6 (2) MECHANISM FOR ACCESS.—The Secretary  
7 of Veterans Affairs, the Secretary of Defense, and  
8 the head of each Federal agency identified under  
9 section 632(b)(3)(E) shall jointly establish a mecha-  
10 nism for access by the research entity or entities to  
11 records made available under paragraph (1).

12 (d) ANNUAL REPORT.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 commencing the conduct of research under this sec-  
15 tion, and not later than September 30 each year  
16 thereafter, each research entity with which the Sec-  
17 retary has entered into an agreement under sub-  
18 section (a) shall, in consultation with the Advisory  
19 Board, submit to the Secretary of Veterans Affairs,  
20 the Committee on Veterans' Affairs of the Senate,  
21 and the Committee on Veterans' Affairs of the  
22 House of Representatives a report on the functions  
23 of such entity under this section during the year  
24 preceding the submittal of the report.

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

3           (A) A summary of the research efforts that  
4 have been completed during the year preceding  
5 the submittal of the report and that are ongo-  
6 ing as of the date of the submittal of the re-  
7 port.

8           (B) A description of any findings made  
9 during such year in carrying out such research  
10 efforts.

11           (C) Recommendations for administrative  
12 or legislative action made by the Advisory  
13 Board based on such findings, which may in-  
14 clude recommendations for further research  
15 under this section.

16           (3) UPON REQUEST.—Upon the request of any  
17 organization exempt from taxation under section  
18 501(c)(19) of the Internal Revenue Code of 1986,  
19 the Secretary of Veterans Affairs may transmit to  
20 such organization a copy of a report received by the  
21 Secretary under paragraph (1).

1           **TITLE VII—HOMELESSNESS**  
2                           **MATTERS**  
3           **Subtitle A—Access of Homeless**  
4                           **Veterans to Benefits**

5   **SEC. 701. EXPANSION OF DEFINITION OF HOMELESS VET-**  
6                           **ERAN FOR PURPOSES OF BENEFITS UNDER**  
7                           **THE LAWS ADMINISTERED BY THE SEC-**  
8                           **RETARY OF VETERANS AFFAIRS.**

9           Section 2002 is amended—

10                   (1) by striking “In this chapter” and inserting  
11                   “(a) IN GENERAL.—In this chapter”;

12                   (2) by striking “in section 103(a) of the McKin-

13                   ney-Vento Homeless Assistance Act (42 U.S.C.

14                   11302(a))” and inserting “in subsection (a) or (b)

15                   of section 103 of the McKinney-Vento Homeless As-

16                   sistance Act (42 U.S.C. 11302)”; and

17                   (3) by adding at the end the following:

18                   “(b) VETERAN DEFINED.—(1) Notwithstanding sec-

19                   tion 101(2) of this title and except as provided in para-

20                   graph (2), for purposes of sections 2011, 2012, 2013,

21                   2044, and 2061 of this title, the term ‘veteran’ means a

22                   person who served in the active military, naval, or air serv-

23                   ice, regardless of length of service, and who was dis-

24                   charged or released therefrom.

1       “(2) For purposes of paragraph (1), the term ‘vet-  
2 eran’ excludes a person who—

3               “(A) received a dishonorable discharge from the  
4 Armed Forces; or

5               “(B) was discharged or dismissed from the  
6 Armed Forces by reason of the sentence of a general  
7 court-martial.”.

8 **SEC. 702. AUTHORIZATION TO FURNISH CERTAIN BENEFITS**  
9                       **TO HOMELESS VETERANS WITH DISCHARGES**  
10                      **OR RELEASES UNDER OTHER THAN HONOR-**  
11                      **ABLE CONDITIONS.**

12       Section 5303(d) is amended—

13               (1) by striking “not apply to any war-risk in-  
14 surance, Government (converted) or National Service  
15 Life Insurance policy.” and inserting the following:  
16 “not apply to the following:

17               “(1) Any war-risk insurance, Government (con-  
18 verted) or National Service Life Insurance policy.”;  
19 and

20               (2) by adding at the end the following new  
21 paragraph:

22               “(2) Benefits under section 2011, 2012, 2013,  
23 2044, or 2061 of this title (except for benefits for  
24 individuals discharged or dismissed from the Armed

1 Forces by reason of the sentence of a general court-  
2 martial).”.

3 **SEC. 703. WAIVER OF MINIMUM PERIOD OF CONTINUOUS**  
4 **ACTIVE DUTY IN ARMED FORCES FOR CER-**  
5 **TAIN BENEFITS FOR HOMELESS VETERANS.**

6 Section 5303A(b)(3) is amended—

7 (1) by redesignating subparagraphs (F) and  
8 (G) as subparagraphs (G) and (H), respectively; and

9 (2) by inserting after subparagraph (E) the fol-  
10 lowing new subparagraph (F):

11 “(F) to benefits under section 2011, 2012,  
12 2013, 2044, or 2061 of this title;”.

13 **SEC. 704. TRAINING OF PERSONNEL OF THE DEPARTMENT**  
14 **OF VETERANS AFFAIRS AND GRANT RECIPI-**  
15 **ENTS.**

16 The Secretary of Veterans Affairs shall conduct a  
17 program of training and education to ensure that the fol-  
18 lowing persons are aware of and implement this title and  
19 the amendments made by this subtitle:

20 (1) Personnel of the Department of Veterans  
21 Affairs who are supporting or administering a pro-  
22 gram under chapter 20 of title 38, United States  
23 Code.

24 (2) Recipients of grants or other amounts for  
25 purposes of carrying out such a program.



1 **SEC. 705. REGULATIONS.**

2 Not later than 270 days after the date of the enact-  
3 ment of this Act, the Secretary of Veterans Affairs shall  
4 prescribe regulations, including such modifications to sec-  
5 tion 3.12 of title 38, Code of Federal Regulations (or any  
6 successor regulation), as the Secretary considers appro-  
7 priate, to ensure that the Department of Veterans Affairs  
8 is in full compliance with this title and the amendments  
9 made by this subtitle.

10 **SEC. 706. EFFECTIVE DATE.**

11 This subtitle and the amendments made by this sub-  
12 title shall apply to individuals seeking benefits under chap-  
13 ter 20 of title 38, United States Code, before, on, and  
14 after the date of the enactment of this Act.

15 **Subtitle B—Other Homelessness**  
16 **Matters**

17 **SEC. 711. INCREASED PER DIEM PAYMENTS FOR TRANSI-**  
18 **TIONAL HOUSING ASSISTANCE THAT BE-**  
19 **COMES PERMANENT HOUSING FOR HOME-**  
20 **LESS VETERANS.**

21 Section 2012(a)(2) is amended—

22 (1) by redesignating subparagraphs (B)  
23 through (D) as subparagraphs (C) through (E), re-  
24 spectively;

1           (2) in subparagraph (C), as redesignated, by  
2 striking “in subparagraph (D)” and inserting “in  
3 subparagraph (E)”;

4           (3) in subparagraph (D), as redesignated, by  
5 striking “under subparagraph (B)” and inserting  
6 “under subparagraph (C)”;

7           (4) in subparagraph (E), as redesignated, by  
8 striking “in subparagraphs (B) and (C)” and insert-  
9 ing “in subparagraphs (C) and (D)”;

10          (5) in subparagraph (A)—

11               (A) by striking “The rate” and inserting  
12 “Except as otherwise provided in subparagraph  
13 (B), the rate”; and

14               (B) by striking “under subparagraph (B)”  
15 and all that follows and inserting “under sub-  
16 paragraph (C).”; and

17          (6) by inserting after subparagraph (A) the fol-  
18 lowing new subparagraph (B):

19           “(B)(i) Except as provided in clause (ii), in no case  
20 may the rate determined under this paragraph exceed the  
21 rate authorized for State homes for domiciliary care under  
22 subsection (a)(1)(A) of section 1741 of this title, as the  
23 Secretary may increase from time to time under sub-  
24 section (c) of that section.

1       “(ii) In the case of services furnished to a homeless  
 2 veteran who is placed in housing that will become perma-  
 3 nent housing for the veteran upon termination of the fur-  
 4 nishing of such services to such veteran, the maximum  
 5 rate of per diem authorized under this section is 150 per-  
 6 cent of the rate authorized for State homes for domiciliary  
 7 care under subsection (a)(1)(A) of section 1741 of this  
 8 title, as the Secretary may increase from time to time  
 9 under subsection (c) of that section.”.

10 **SEC. 712. PROGRAM TO IMPROVE RETENTION OF HOUSING**  
 11                   **BY FORMERLY HOMELESS VETERANS AND**  
 12                   **VETERANS AT RISK OF BECOMING HOME-**  
 13                   **LESS.**

14       (a) PROGRAM REQUIRED.—

15           (1) IN GENERAL.—Subchapter II of chapter 20  
 16 is amended—

17           (A) by redesignating section 2013 as sec-  
 18 tion 2014; and

19           (B) by inserting after section 2012 the fol-  
 20 lowing new section 2013:

21 **“§ 2013. Program to improve retention of housing by**  
 22                   **formerly homeless veterans and veterans**  
 23                   **at risk of becoming homeless**

24       “(a) PROGRAM REQUIRED.—The Secretary shall  
 25 carry out a program under which the Secretary shall pro-

1 vide case management services to improve the retention  
2 of housing by veterans who were previously homeless and  
3 are transitioning to permanent housing and veterans who  
4 are at risk of becoming homeless.

5 “(b) GRANTS.—(1) The Secretary shall carry out the  
6 program through the award of grants.

7 “(2)(A) In awarding grants under paragraph (1), the  
8 Secretary shall give priority to organizations that dem-  
9 onstrate a capability to provide case management services  
10 as described in subsection (a), particularly organizations  
11 that are successfully providing or have successfully pro-  
12 vided transitional housing services using amounts provided  
13 by the Secretary under sections 2012 and 2061 of this  
14 title.

15 “(B) In giving priority under subparagraph (A), the  
16 Secretary shall give extra priority to an organization de-  
17 scribed in such subparagraph that—

18 “(i) voluntarily stops receiving amounts pro-  
19 vided by the Secretary under sections 2012 and  
20 2061 of this title; and

21 “(ii) converts a facility that the organization  
22 used to provide transitional housing services into a  
23 facility that the organization uses to provide perma-  
24 nent housing that meets housing quality standards  
25 established under section 8(o)(8)(B) of the United

1 States Housing Act of 1937 (42 U.S.C.  
2 1437f(o)(8)(B)).

3 “(C) In any case in which a facility, with respect to  
4 which a person received a grant for construction, rehabili-  
5 tation, or acquisition under section 2011 of this title, is  
6 converted as described in subparagraph (B)(ii), such con-  
7 version shall be considered to have been carried out pursu-  
8 ant to the needs of the Department and such person shall  
9 not be considered in noncompliance with the terms of such  
10 grant by reason of such conversion.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of such chapter is amended  
13 by striking the item relating to section 2013 and in-  
14 serting the following new items:

“2013. Program to improve retention of housing by formerly homeless veterans  
and veterans at risk of becoming homeless.

“2014. Authorization of appropriations.”.

15 (b) REGULATIONS.—Not later than 1 year after the  
16 date of the enactment of this Act, the Secretary of Vet-  
17 erans Affairs shall prescribe regulations to carry out sec-  
18 tion 2013 of such title, as added by subsection (a)(1)(B).

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than June 1,  
21 2020, the Secretary shall submit to the Committee  
22 on Veterans’ Affairs of the Senate and the Com-  
23 mittee on Veterans’ Affairs of the House of Rep-  
24 resentatives a report on the program required by

1 section 2013 of such title, as added by subsection  
2 (a)(1)(B).

3 (2) CONTENTS.—The report submitted under  
4 paragraph (1) shall include assessments of the fol-  
5 lowing:

6 (A) The percentage of veterans who re-  
7 ceived case management services under the pro-  
8 gram who were able to retain permanent hous-  
9 ing by the end of the program, disaggregated  
10 by each recipient of a grant under such section.

11 (B) The percentage of veterans who re-  
12 ceived case management services under the pro-  
13 gram who were not in permanent housing at  
14 the end of the program, disaggregated by hous-  
15 ing status and reason for failing to retain per-  
16 manent housing under the program.

17 (C) The use by veterans, who received case  
18 management services under the program, of  
19 housing assistance furnished by the Department  
20 of Veterans Affairs, including a comparison of  
21 the use of such assistance by such veterans be-  
22 fore and after receiving such services.

23 (D) An assessment of the employment sta-  
24 tus of veterans who received case management  
25 services under the program, including a com-

1           parison of the employment status of such vet-  
2           erans before and after receiving such services.

3 **SEC. 713. ESTABLISHMENT OF NATIONAL CENTER ON**  
4                                   **HOMELESSNESS AMONG VETERANS.**

5           (a) IN GENERAL.—Subchapter VII of chapter 20 is  
6 amended by adding at the end the following new section:

7 **“§ 2067. National Center on Homelessness Among Vet-**  
8                                   **erans**

9           “(a) IN GENERAL.—(1) The Secretary shall establish  
10 and operate a center to carry out the functions described  
11 in subsection (b).

12           “(2) The center established under paragraph (1)  
13 shall be known as the ‘National Center on Homelessness  
14 Among Veterans’.

15           “(3) To the degree practicable, the Secretary shall  
16 operate the center established under paragraph (1) inde-  
17 pendently of the other programs of the Department that  
18 address homelessness among veterans.

19           “(b) FUNCTIONS.—The functions described in this  
20 subsection are as follows:

21                   “(1) To carry out and promote research into  
22           the causes and contributing factors to veteran home-  
23           lessness.

1           “(2) To assess the effectiveness of programs of  
2 the Department to meet the needs of homeless vet-  
3 erans.

4           “(3) To identify and disseminate best practices  
5 with regard to housing stabilization, income support,  
6 employment assistance, community partnerships,  
7 and such other matters as the Secretary considers  
8 appropriate with respect to addressing veteran  
9 homelessness.

10           “(4) To integrate evidence-based and best prac-  
11 tices, policies, and programs into programs of the  
12 Department for homeless veterans and veterans at  
13 risk of homelessness and to ensure that the staff of  
14 the Department and community partners can imple-  
15 ment such practices, policies, and programs.

16           “(5) To serve as a resource center for, and pro-  
17 mote and seek to coordinate the exchange of infor-  
18 mation regarding, all research and training activities  
19 carried out by the Department and by other Federal  
20 and non-Federal entities with respect to veteran  
21 homelessness.”.

22           (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of such chapter 20 is amended by insert-  
24 ing after the item relating to section 2066 the following  
25 new item:

“2067. National Center on Homelessness Among Veterans.”.



1 **SEC. 714. REQUIREMENT FOR DEPARTMENT OF VETERANS**  
2 **AFFAIRS TO ASSESS COMPREHENSIVE SERV-**  
3 **ICE PROGRAMS FOR HOMELESS VETERANS.**

4 (a) IN GENERAL.—Not later than 1 year after the  
5 date of the enactment of this Act, the Secretary of Vet-  
6 erans Affairs shall—

7 (1) assess and measure the capacity of pro-  
8 grams for which entities receive grants under section  
9 2011 of title 38, United States Code, or per diem  
10 payments under section 2012 or 2061 of such title;  
11 and

12 (2) assess such programs with respect to—

13 (A) how well they achieve their stated  
14 goals at a national level;

15 (B) placements in permanent housing;

16 (C) placements in employment; and

17 (D) increases in the regular income of par-  
18 ticipants in the programs.

19 (b) ASSESSMENT AT NATIONAL AND LOCAL LEV-  
20 ELS.—In assessing and measuring under subsection  
21 (a)(1), the Secretary shall develop and use tools to exam-  
22 ine the capacity of programs described in such subsection  
23 at both the national and local level in order to assess the  
24 following:

1           (1) Whether sufficient capacity exists to meet  
2           the needs of homeless veterans in each geographic  
3           area.

4           (2) Whether existing capacity meets the needs  
5           of the subpopulations of homeless veterans located in  
6           each geographic area.

7           (3) The amount of capacity that recipients of  
8           grants under sections 2011 and 2061 and per diem  
9           payments under section 2012 of such title have to  
10          provide services for which the recipients are eligible  
11          to receive per diem under section 2012(a)(2)(B)(ii)  
12          of title 38, United States Code, as added by section  
13          711(6).

14          (c) CONSIDERATION OF OTHER RESOURCES.—In as-  
15          sessing and measuring programs under subsection (a)(1),  
16          the Secretary shall consider the availability to such pro-  
17          grams of resources made available to such programs and  
18          to homeless veterans, including resources provided by the  
19          Department of Veterans Affairs and by entities other than  
20          the Department.

21          (d) USE OF INFORMATION.—The Secretary shall use  
22          the information collected under this section as follows:

23                (1) To set specific goals to ensure that pro-  
24                grams described in subsection (a) are effectively  
25                serving the needs of homeless veterans.

1           (2) To assess whether programs described in  
2           subsection (a) are meeting goals set under para-  
3           graph (1).

4           (3) To inform funding allocations for programs  
5           described in subsection (a).

6           (4) To improve the referral of homeless vet-  
7           erans to programs described in subsection (a).

8           (e) REPORT.—Not later than 180 days after the date  
9           on which the assessment required by subsection (a) is  
10          completed, the Secretary shall submit to the Committee  
11          on Veterans' Affairs of the Senate and the Committee on  
12          Veterans' Affairs of the House of Representatives a report  
13          on such assessment and such recommendations for legisla-  
14          tive and administrative action as the Secretary may have  
15          to improve the programs and per diem payments described  
16          in subsection (a).

17          **SEC. 715. REPORT ON OUTREACH RELATING TO INCREAS-**  
18                                  **ING THE AMOUNT OF HOUSING AVAILABLE**  
19                                  **TO VETERANS.**

20          Not later than 1 year after the date of the enactment  
21          of this Act, the Secretary of Veterans Affairs shall submit  
22          to the Committee on Veterans' Affairs and the Committee  
23          on Banking, Housing, and Urban Affairs of the Senate  
24          and the Committee on Veterans' Affairs and the Com-  
25          mittee on Financial Services of the House of Representa-

1 tives a report describing and assessing the outreach con-  
2 ducted by the Secretary to realtors, landlords, property  
3 management companies, and developers to educate them  
4 about the housing needs of veterans and the benefits of  
5 having veterans as tenants.

## 6 **TITLE VIII—OTHER MATTERS**

### 7 **SEC. 801. DEPARTMENT OF VETERANS AFFAIRS CONSTRUC-** 8 **TION REFORMS.**

9 (a) APPLICATION OF INDUSTRY STANDARDS; ASSIST-  
10 ANCE.—Section 8103 is amended by adding at the end  
11 the following new subsections:

12 “(f) To the maximum extent practicable, the Sec-  
13 retary shall use industry standards, standard designs, and  
14 best practices in carrying out the construction of medical  
15 facilities.

16 “(g) The Secretary shall ensure that each employee  
17 of the Department with responsibilities, as determined by  
18 the Secretary, relating to the infrastructure construction  
19 or alteration of medical facilities, including such construc-  
20 tion or alteration carried out pursuant to contracts or  
21 agreements, undergoes a program of ongoing professional  
22 training and development. Such program shall be designed  
23 to ensure that employees maintain adequate expertise re-  
24 lating to industry standards and best practices for the ac-  
25 quisition of design and construction services. The Sec-

1   retary may provide the program under this subsection di-  
2   rectly or through a contract or agreement with a non-Fed-  
3   eral entity or with a non-Department Federal entity.”.

4       (b) FORENSIC AUDITS OF CERTAIN PROJECTS.—  
5   Subsection (c) of section 8104 is amended—

6           (1) by striking “Not less than 30 days” and in-  
7           serting “(1) Not less than 30 days”; and

8           (2) by adding at the end the following new  
9           paragraph:

10       “(2) The Secretary shall—

11           “(A) enter into a contract or agreement with an  
12           appropriate non-department Federal entity with the  
13           ability to conduct forensic audits on medical facility  
14           projects for the conduct of an external forensic audit  
15           of the expenditures relating to any major medical fa-  
16           cility or super construction project for which the  
17           total expenditures exceed the amount requested in  
18           the initial budget request for the project submitted  
19           to Congress under section 1105 of title 31 by more  
20           than 25 percent; and

21           “(B) enter into a contract or agreement with an  
22           appropriate non-department Federal entity with the  
23           ability to conduct forensic audits on medical facility  
24           projects for the conduct of an external audit of the

1 medical center construction project in Aurora, Colo-  
2 rado.”.

3 (c) USE OF AMOUNTS FROM BID SAVINGS.—Sub-  
4 section (d)(2)(B) of such section is amended—

5 (1) by redesignating clauses (ii) and (iii) as  
6 clauses (iii) and (iv), respectively;

7 (2) by inserting after clause (i) the following  
8 new clause (ii):

9 “(ii) If the major construction project that is  
10 the source of the bid savings is not complete—

11 “(I) the amount already obligated by the  
12 Department or available in the project reserve  
13 for such project;

14 “(II) the percentage of such project that  
15 has been completed; and

16 “(III) the amount available to the Depart-  
17 ment to complete such project.”; and

18 (3) in clauses (iii) and (iv), as redesignated by  
19 paragraph (1), strike “amounts” and inserting “bid  
20 savings amounts” both places it appears.

21 (d) QUARTERLY REPORT ON SUPER CONSTRUCTION  
22 PROJECTS.—

23 (1) IN GENERAL.—At the end of subchapter I  
24 of chapter 81 add the following new section:

1 **“§ 8120. Quarterly report on super construction**  
2 **projects**

3 “(a) QUARTERLY REPORTS REQUIRED.—Not later  
4 than 30 days after the last day of each fiscal quarter the  
5 Secretary shall submit to the Committees on Veterans’ Af-  
6 fairs of the Senate and House of Representatives a report  
7 on the super construction projects carried out by the ap-  
8 propriate non-Department Federal entity described in sec-  
9 tion 8103(e)(1) of this title during such quarter. Each  
10 such report shall include, for each such project—

11 “(1) the budgetary and scheduling status of the  
12 project, as of the last day of the quarter covered by  
13 the report; and

14 “(2) the actual cost and schedule variances of  
15 the project, as of such day, compared to the planned  
16 cost and schedules for the project.

17 “(b) SUPER CONSTRUCTION PROJECT DEFINED.—In  
18 this section, the term ‘super construction project’ has the  
19 meaning given such term in section 8103(e)(3) of this  
20 title.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-  
22 tions at the beginning of such chapter is amended  
23 by adding at the end of the items relating to such  
24 subchapter the following new item:

“8120. Quarterly report on super construction projects.”.

1 **SEC. 802. TECHNICAL AND CLERICAL AMENDMENTS.**

2 Title 38, United States Code, is amended as follows:

3 (1) In section 735(a)(5), by striking “(Public  
4 Law 104–191)” and inserting “(Public Law 104–  
5 191; 42 U.S.C. 1320d–2 note)”.

6 (2) In the table of sections at the beginning of  
7 chapter 17, by striking the items relating to sections  
8 1710D and 1710E and inserting the following new  
9 items:

“1710D. Traumatic brain injury: comprehensive program for long-term rehabili-  
tation.

“1710E. Traumatic brain injury: use of non-Department facilities for rehabilita-  
tion.”.

10 (3) In section 1710(e)(1)(F), by inserting a  
11 comma after “1953”.

12 (4) In section 7412(b), by striking “under para-  
13 graph (1)” and inserting “under subsection (a)”.

Passed the House of Representatives December 6,  
2016.

Attest:

*Clerk.*





114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 6416

## AN ACT

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.